CONSIDERATIONS

ON THE

PRESENT POLITICAL STATE

OF

INDIA;

EMBRACING

OBSERVATIONS ON THE CHARACTER OF THE NATIVES, ON THE CIVIL AND CRIMINAL COURTS, THE ADMINISTRATION OF JUSTICE, THE STATE OF THE LAND-TENURE, THE CONDITION OF THE PEASANTRY,

AND THE

INTERNAL POLICE OF OUR EASTERN DOMINIONS;

INTENDED CHIEFLY AS

A MANUAL OF INSTRUCTION IN THEIR DUTIES,

FOR THE

YOUNGER SERVANTS OF THE COMPANY.

BY

ALEXANDER FRASER TYTLER,

LATE ASSISTANT-JUDGE IN THE 24 PERGUNNAHS, BENGAL ESTABLISHMENT.

Omnium autem rerum, nec optius est quidquam ad opes tuendas, quàm diligi, nec alienius quàm timeri.

Non jam sunt mediocres hominum libidines, non paucæ insidiæ ac tolerandæ: nihil agitant nisi cædem, nisi incendia, nisi rapinas. Cic.

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TO

CHARLES GRANT, Esq. M. P.

CHAIRMAN

OF THE

HONOURABLE THE EAST INDIA COMPANY:

AS

THE ONLY TESTIMONY HE CAN OFFER

OF HIS GRATITUDE,

THIS WORK

IS, WITH SENTIMENTS OF SINCERE ESTEEM,

DEDICATED BY

HIS OBEDIENT SERVANT,

ALEXANDER FRASER TYTLER.

June 23, 1815.

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ADVERTISEMENT.

It was the intention of the Author not to have published a second impression, until, by the addition of much new matter since his return to India, and by altering in many places the faulty arrangement of his materials he might be able to render his Work more worthy of the public approbation; but the state of his health demands that he should leave England immediately, and he has only time to make those many corrections, which his absence abroad at the time of printing the first Edition, very unfortunately rendered necessary. He is sorry that he cannot make a better return to the Public for the very flattering reception which they have given his work.

London, Nov. 25th, [illegible]

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London, Nov. 28th, 1815.

PREFACE.

It is in the contemplation of the Government of Great Britain, most materially to abridge the privileges of the East-India Company, by admitting private speculators to a participation in their trade. It is only within these few years, that, after a series of arduous and protracted exertions, the concerns of the Company have begun to assume a more promising appearance; and it is, therefore, perhaps, more than unfortunate, that this period should have been chosen by Government for the agitation of those measures which are likely to prove hurtful, not

 only

only to the general Mercantile Interests of the Company, but still more in weakening that singular Tenure by which we have so long held our Indian possessions.

The existence of this Company as a Commercial Body, is dependent upon their trade, as well as on the internal administration of their dominions, and the easy collection of their revenues; and as an attack is now meditated against the former of these, it becomes them, more than ever, to dedicate their attention to the improvement of the latter. To the Land, as the chief source of their revenue, their efforts must be first directed; to the increasing the security of its tenure, to the amelioration of the condition of its labourers, promoting by this means its only certain and effectual improvement.

As to the Revenue itself, they must endeavour, by every means, to increase the

facility

facility of its collection; whilst, by a sedulous attention to the system of their Police, they impart tranquillity to the industrious, overawe the idle and the vicious, and by conferring security on the property of the lower orders, encourage them in honourable exertion.

These are great and noble objects:—When we consider the extent of our Indian dominions, and that immense population, for the welfare of which this country is now responsible, their importance is almost incalculable; and the Author of this Work would certainly never have ventured to submit it to the Public, did he not consider, that those pages which attempt, even in the feeblest manner, to promote these important ends, will not, probably, be examined with that critical precision, which is more properly applied to the productions of taste and imagination.

It

It is a fact which, however singular and unfortunate, is yet founded in truth, that those persons from whom correct information on these subjects might justly be expected, are generally the least able, from the peculiar circumstances of their situation, to supply it: I mean the Company's Servants.

During the early period of their residence in the East, every hour must be employed in the acquisition of the languages, in the study of the laws of the country and the manners of the natives; whilst the latter years of their service are still more unremittingly engrossed in the discharge of the irksome and arduous duties of their professsion.

To the younger Servants of the Company another remark is applicable. In every other service, a young man has to go through all the preparatory steps of what

may

may be termed a *practical education,* for that profession which he is to follow; nor is he employed in any office of responsibility until he is in some measure fitted for a discharge of its duties. He is not entrusted with money and power until his judgment and discretion are matured, and until habits of business and application are become familiar to him. But the Company's Servants are sent to the enjoyment of wealth and power *while they are yet boys.* On their arrival they are, indeed, sent to a College; but let it be remembered, that the one half, or more than the one half, consider this college as a second school, revolt against it, and learn nothing; the other half learn only the native languages,—a very necessary requisite to the due discharge of their duty,—but still only one out of many requisites. Relieved from the trammels of college, no inconsiderable portion of the young men lead a life of comparative indolence and extravagance, as assistants to

Collectors

Collectors and Commercial Residents. The rest, entering the judicial line, are burdened with the cares, and invested with the power attending the office of a Judge, while, as yet, they have scarcely one qualification for the situation excepting a knowledge of the languages. The duties they have to perform will not admit of study. Their leisure hours, (which are few in number now-a-days) they must employ in exercise, or within a few years their constitution is ruined.

But, even allowing that some few of them find opportunity to study, and wish to direct their attention to the history of the country, the manners of the natives, their habits, religion, revenue, and land-tenures, which are the most interesting objects of inquiry; still, one great means of information, namely, an actual intercourse with the natives, is denied them, from the false idea, that it is *inconsistent with the dignity of their station,*

station, and attainable only by a private individual residing among the natives, and familiarly conversing with them, and not by a public servant.

From these causes it arises, that we are not possessed of a single work of a nature to instruct, or even to point out the means of instruction to the young Civilian. In the following Essay, one of their own number, who has laboured under all the disadvantages above stated, has attempted to supply this defect. He has endeavoured to furnish them with a few rules for their conduct at their first outset in the Indian world. He has, in the next place, turned his attention to the actual state of the country and character of the natives, under which subject the landed tenures of India, and the condition of the *Ryots*, or labourers of the soil, are more particularly considered.

The

The work is concluded by some considerations on the Police of India, and the Means for its Improvement,—a subject of the most vital importance, as it deeply involves the happiness of our Indian subjects. The Author submits his attempts to his fellow Civilians, and to his employers, the East India Company, earnestly hoping, that they will bestow some reflection on the situation of the Junior Members of their service, *who are destined one day to govern their Eastern Empire.* He shall only add, that his efforts will be far from lost, should they in any degree induce a more attentive consideration of these subjects than they have hitherto received; still less will they be in vain, if, by any of those hints which are suggested on the subject of the lower classes in India, their present unhappy condition should be in any degree ameliorated.

JUNE, 1813.

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INTRODUC-

INTRODUCTION.

THE leading object of this Work is to furnish to the younger Servants of the East-India Company, some instructions for their conduct, both on their arrival, and during their subsequent employment as judicial servants in India. But there were other objects for which it was written. It was intended, by introducing the young Civilian to some acquaintance with the nature and principles of our Indian Government, to prove that there exists in the Civil Constitutions,—in the Religion,—the Laws,—the peculiar

peculiar habits and prejudices of the People of India,—compared with those of Europe,—differences so radical and decided, that they have hitherto defeated those beneficial effects which were anticipated from the introduction of our own government and our own laws; and that, unless some modifications take place, these happy consequences never can result. If this truth has been established, the main object of the Essay has been gained.

Let it not, however, be imagined, that in the changes which are proposed, the grand principles of our present Eastern Government, the Constitution of our Courts, or the Perpetual Settlement of the land-revenue, are in any degree to be attacked. The general principles on which India is governed, are in every way calculated for its security and welfare. The Constitution of its Courts, (Courts of Equity and Conscience,

not

not Courts of Law,) is most happily constructed for the speedy redress of grievances, and even the *Perpetual Settlement*, with all its errors, (and these are not few in number,) is yet, perhaps, in its general principles, the best that has hitherto been proposed, and, with a few changes, may still be highly conducive to the prosperity of our Indian dominions.

The present favourable appearance which the affairs of the Company have assumed, ought not to induce them to shut their eyes against future and more gloomy prospects. It is not impossible, that their revenue may now be realized with facility, and yet that the country may become daily less capable of producing that revenue. The existence of a number of abuses, which some may esteem trifling, because they may be easily removed, but which are serious, because they chiefly affect the labouring classes of

our Indian population, render such a result much too probable. Yet these evils may be remedied by a few changes, which shall in no way shake the general principles of our Eastern Government.

This unfavourable picture is not generally believed to be a true one; and so great is the weight attached at present to the opinions of those who contend on the opposite side of the question, that few have been found daring enough to judge for themselves, or to credit what they themselves might daily witness, because all was found at variance with the doctrine of great authorities. It is, therefore, no small degree of presumption in a young man to dispute the propriety of arrangements which time ought to have matured, and experience sanctioned as the best. What I am about to state will, perhaps, plead my excuse. I entered on the duties of my profession as a

judicial

judicial servant of the Company, possessed of few of the many qualities necessary for their discharge. All that I had attained, was a knowledge of the languages, a conviction of my ignorance, and a desire for improvement. The regulations of the Company informed me, that the land belonged to the *Zemindars*, and that the peasants had no property in it. *I did not enter a single village where this was not contradicted* by all that I saw. The Regulations prescribed many rules of action, both in Civil and Criminal matters, but particularly in Police, which I found inconsistent with the character and habits of the natives, and totally inadequate to the end proposed. It was evident that something was materially wrong; yet a young man, especially when conscious of his own inexperience, will dread to question the authority of his superiors. It was, however, impossible not to attend to the actual condition of the lower orders; and I

 began

began to take notes of what I remarked, resolving at a future period, when leisure should permit, to make myself master of the opinions of others, and to compare them with the results of my own observations. The notes thus collected form the *groundwork* of the present Essay; and, although deeply sensible of the many imperfections in its execution, yet, with regard to the facts it contains, I feel somewhat more confident. I allude here more particularly to that striking incongruity which will be observed to subsist between that picture of India presented by the Reports of Government, and the existing state of the country as it is described from actual observation. It is impossible to believe, that the natives in the different *Zillahs* of Bengal, where these observations were made, misrepresented entirely their real conditions; that they were playing a part; or that their habits, manners and condition, were the very reverse of what

I be-

I beheld. To secure more effectually against any thing like a coloured or premeditated story, I have been accustomed to associate amongst the natives, where my name and person were unknown; and it will be allowed, that the information which can be collected from these classes in this manner, where ignorance of your condition encourages them to be communicative, and familiarity removes suspicion, bids fair to be correct.

In the discharge of my duty, in a troublesome *Zillah*, (the Twenty-four Pergunnahs), in July 1812, I had the misfortune to be taken ill of a complaint in the lungs; and after having, in vain, tried the air of the upper stations, I was reduced to the unpleasant necessity of taking a voyage to St. Helena. The arrangement of these Notes into their present form, constituted my principal amusement at sea, and the perusal of

 those

those works which I could procure in Calcutta, and which, either principally or incidentally, treat of some of the subjects embraced by this Essay. The chief of these were, GRANT "on the *Zemindary* Tenures of India," LAW "on the Resources of "Bengal," PATON "on Asiatic Monar-"chies," COLEBROOKE "on the Husban-"dry of Bengal," the Supplementary Volume to the Digest of the Regulations by the Elder Mr. COLEBROOKE, and Mr. WARD'S work "on the Hindoos."

It was a matter of considerable satisfaction to me, that, after the perusal of these works, I did not find it necessary to alter any of the opinions I had already formed, either on the subject of the Native Character, the grand question of the *Zemindary* Tenure, or the defects of the System of Police. On the contrary, their perusal

perusal has added confirmation to these opinions.*

It may naturally be asked, how it should happen, that men of the most distinguished talents, and who, from their long residence in the country, ought to be capable of forming a correct judgment, have hitherto misled the public opinion upon these subjects? To this it can only be answered, That, however eminent the talents of these great men, their high and dignified station prevented

* Since my arrival at St. Helena, I have been favoured with the perusal of the work of the present Governor of the island, Colonel Wilks, on the History of the South of India, and also of the First Report of the House of Commons on Indian Affairs; and it is most flattering to me to find, in both of these works, but particularly in the Appendix to the History of the South of India, some of those opinions I had ventured to give, supported and elucidated with great ability, and a thorough knowledge of the native character.

prevented the possibility of their mixing familiarly, and entering into conversation with the peasantry of the country, *and that every other source of information was partial and interested.* Those Servants of the Company, to whose exertions we owe the Perpetual Settlement, having once committed an error in too precipitately yielding to the anxious desire of the English Government for this unfortunate settlement of the land, had shut their ears to all cool argument on the subject, and closed their eyes on the real situation of the country. From them nothing, therefore, could be expected.

The higher ranks of the natives, whose families were to be enriched and ennobled by their becoming the proprietors of the land, and the officers of our Courts, who well knew they should come in for a share, both of these were naturally eager for the new system. The peasantry, the *Ryots* alone

alone would have told a very different tale, but they were awed into silence. How should it have been otherwise? Against the Supreme and Ruling Authority, against the Officers of Government, against the great landed proprietors, against the powerful body of the native officers of our Courts, what could the *Ryots* effect?

One Chapter is purposely devoted to a description of the effects of the arrangement of Government respecting the Land Settlement, and the picture there given of the present situation of Bengal is not exaggerated. From whatever causes it may have proceeded, such is at present the actual situation of things. And yet such is the strong prejudice upon the other side of the question, that one is more likely to be condemned than applauded for telling the truth. This does not intimidate me: "*Potestas modo veniendi in* "*publicum sit, dicendi periculum non recuso.*"

It

It is impossible that I should sit in a Civil Court, and daily have causes brought before me, in which it appears *that the unhappy Ryots still cling to their property,—still in their necessities dispose of this property by sale, mortgage, and other methods,*—it is impossible that I should see this, and yet believe, that in this property they have no right. There is not a Judge or Magistrate in Bengal, whose unbiassed opinion will not corroborate this statement.

From conversations with the natives in the Upper Provinces*, I am convinced that the

* I went ashore one evening at a small village near Buxar, and being unattended, I found it easy to enter into a familiar conversation with the principal *Ryots*. They said they had resided on their lands for ten or twelve generations: *That the Zemindars had never attempted, nor could they dispossess them.* They pay at the rate of 250 rupees rent for 100 bigahs, and this rate has never increased

the same ideas prevail there; and from Colonel WILKS's very able disquisition, in the 5th Chapter of his work, as well as from the corroborative proofs of the same facts which I have heard from himself during the time that I enjoyed his society at St. Helena, it is evident to me, that the same order of things is prevalent also in the South of India. I have, moreover, understood, that in England the opinions formerly entertained on

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increased nor diminished. *The trees on the land are their own. The Zemindars could not cut them, but they (the Ryots) could, and without asking leave of the Zemindars.* They are the owners of the land, and the *Talookdars* only receive the rents, and had no interference whatever with the management of the land. They say, their fathers recollected the time when they lived without the assistance of the *Mahajuns* (or money-lenders, a peculiar set of men, whose profession will be afterwards described), but for a long time past they have been reduced to the alternative of employing Mahajuns. The village *Putwarries* (or Registers) are, among them, the servants of the *Ryots*, not of the *Zemindars*.

on the subject of the *Zemindary* Tenure have undergone a very great revolution, and that there are not now many to be found who sincerely defend the arrangement which has been made, or who do not, in their own minds, believe that a very fatal error has been committed.

One of the chief objects of this Essay is, to evince, that this error, although great, is not irremediable: That, without altering the present arrangement regarding the Perpetual Settlement, much may yet be done for the unfortunate peasantry of India. The effects produced by the errors of this arrangement have been indeed pointed out; but I must again repeat, that this very arrangement may, with a few modifications, be still rendered subservient to the prosperity of the Company and the happiness of the natives. It yet lies in the power of Government to rescind their last regulation re-

garding

garding the authority of the *Zemindars* to follow their own pleasure in giving leases of their lands; and, instead of allowing the *Zemindars* to let out their lands on whatever terms, and for whatever period they choose, they may be required to grant written leases. They may be required to grant these leases for a longer period of endurance, thereby making it the real interest of the *Ryots* to improve the land. The obnoxious clause in this regulation, and of which the landholders have made so bad a use, is this: "And the proprietors of land "shall henceforth be considered competent "to grant leases to their dependant *Talook-* "*dars*, under-farmers, and *Ryots*, and to re- "ceive correspondent engagements from "each of these classes, or any other classes "of tenants, *according to such form as the* "*contracting parties may deem most conveni-* "*ent and most conducive to their respective* "*interests*." Now, the form the most con-

venient

venient and highly conducive to their present interests, they have adopted, in giving merely a verbal agreement instead of a written lease. It is this which oppresses the peasant. The practice, indeed, was formerly frequent, but it is now publicly sanctioned by Government.

It has been frequently argued, that Government have solemnly pledged themselves to the *Zemindars* not to interfere with their arrangements. Let it be remembered, that their word has been pledged, also, to support the *Ryots*, and that having once broken this promise, there would be a merit in redeeming it. The *Zemindars* have shewn themselves every way unworthy of the confidence reposed in them. The country has not only decreased in value, by their increasing mismanagement; but such is now the extremity of wretchedness to which they have reduced the *Ryots*, that gang-robbery or *Da-*

coity,

coity, an evil too common in our Indian dominions, but fostered of late years by the excessive misery and indigence of the peasantry, has arisen to an alarming height, and begins to threaten the most serious consequences. An account of this evil, with a few suggestions for its removal, are among the objects of this Essay.

During the years 1808, 1809, and 1810, when *Dacoity* was at its height in the *Zillahs* round Calcutta, the writer of this work was employed in the interior of many of these *Zillahs*, but more especially in Nuddea and Nattore, and since that time in *Zillah* Hoogly, and the Twenty-four Pergunnahs. During these periods, he enjoyed very favourable opportunities of obtaining information. Amongst these was a personal acquaintance, as well as a knowledge of the opinions, and a minute inspection of the practice of those Magistrates, who may be truly said, by their

 exertions,

exertions, to have annihilated, for the time, the system of gang-robbery, and to have restored peace and tranquillity to the country. These were, Mr. John Eliot, Mr. Blacquiere, Mr. Bayly, and Mr. Charles Patton. In mentioning these names, it is by no means intended to exclude from their deserved share of praise, a great number of useful and intelligent Magistrates, who united their exertions to those of the above-mentioned gentlemen. All assisted in the arduous task, but these devoted their days and nights to this sole object, for the accomplishment of which they had pledged themselves to Government. The unceasing exertions of the last-mentioned gentleman (Mr. Patton), who, by a policy too common in India, as soon as he had restored quiet to one *Zillah*, was removed to another, promised soon to undermine a constitution not naturally strong, and which was impaired by an ardent and sanguine temper and zeal for the

service,

service, which no thought of self ever restrained. He accordingly sunk under these exertions. The Company have in him lost one of the most able of their Magistrates. Employed under the eye of these Magistrates, with a commission which enabled him to command the exertions, and to avail himself of the information of the native police-officers; attended by a large body of *Goindas,* who had themselves been gang-robbers; the Author was for eight months constantly engaged in the interior of *Zillah* Nuddea, in the apprehension and trial of *Dacoits.* He had at that time no unfavourable opportunity of estimating the merits of the *Goinda* System, or the use of Espionage, on which there are so many and such contrary opinions.

That the outrages committed by *Dacoits,* Burglars, Thieves, and other descriptions of notorious characters, have of late years great-

ly increased; that the state of licentiousness and insubordination which prevails in the country is peculiarly alarming, and calls loudly for redress; must be well known to every one who has been employed in the judicial branch of the service. It must, therefore, appear astonishing, that hitherto so very little regard has been paid to this subject, that none of those able men, whose experience, proceeding from long residence in the country, would entitle them to make the attempt, have bestowed their attention, or directed their talents to so important a matter, or have made known their researches for the benefit of the public.*

The

* It is of course not here meant, that their attention has not been, in the course of their professional duties, directed to many of the subjects connected with such an inquiry, but that no work towards a general elucidation of the subject, in its various branches, has hitherto been attempted.

The general utility of such studies is universally acknowledged, and the state of the country seems to point out how particularly useful they would be at the present moment. From various causes, which I shall endeavour to enumerate, the power of the depredators, and their ability in executing their plans, is so much increased, that the European character, (as has been evinced in some late instances*), begins no longer to command that respect, or to inspire that awe, which produced such admirable effects at the period of our first settlement. I trust, therefore, that the considerations on the subjects of Police which are included in this Essay, may, for these reasons, be deemed neither uninteresting nor unimportant.

* I allude to the attacks committed on Messrs. Faddy and Lydyard, and on Mr. Smith of the Civil Service, in *Zillah* Kishnagur.

It was, and is still my intention, if my health should be restored to me, to go on, collecting materials, and, from time to time, to arrange them; but if any one hint given in the course of the present Essay, should induce any of those more able men whom I have mentioned, to take the subject from me, I will yield it, and the materials I may possess, with the greatest pleasure. As the notes were made without arrangement at first, and before the idea of putting them into their present form suggested itself, and as the arrangement has been made on board ship, where I had no opportunities of reference to the sources of information on which I had formerly relied, (namely, the native Courts, and the living authorities in the districts in which I had served;) I have, in many instances, been forced to rely on my memory; and as the greater part has been written during very ill health, it is hoped that many inaccuracies will be pardoned.

"Those

"Those who attempt much, seldom fail to "perform more than those who never de-"viate from the common course of action. "It is therefore just to encourage those who "attempt to enlarge the powers of Art "and Science; for even when they fail, they "may benefit the world by their miscar-"riage."* I had in view to improve myself and to be of some use to others, beginning their education in the judicial line; but one chief object, in throwing these remarks together, was at first of a different nature. I imagined, that were I to commit to paper my remarks as I went along, from the beginning of my practice as an Assistant, I should not only impress more firmly on my mind the various objects worthy of attention, but by a retrospect, after years should have given me more experience, I should be able to perceive their defects, and to cor-

* Dr. Johnson.

rect them. I am convinced, that when we are anxious to obtain information, and improve our knowledge on any subject, we would do well to observe the advice of an eminent Lawyer and Philosopher, who, in conversation with a young friend, who lamented to him his want of knowledge on some subject, said to him, "Go and write a "book on it." *

I have to apologise, that the arrangement of this Essay is not perhaps sufficiently systematical; yet the division adopted is that which naturally suggested itself. The first chapter is particularly devoted to considerations on the situation of the Young Civilians, on their first arrival in India; their studies in College, and their first appointments in the Service. I have next, by attempting a general description of the Coun-

try,

* Lord Kames.

try, and the nature of its Government, and by a few observations on the English and Native Courts, endeavoured to give some idea of that situation in which, as Servants of the Company, they will eventually be placed, and the duties they will be called upon to perform. In the Third Chapter, the Character of the Natives, and the Causes of Delinquency in India, are particularly examined; and the same subject, including the evils originating in the *Zemindary* System, and the Condition of the Land Tenures, is continued throughout the Fourth. The subject of Indian Police, the Difficulties attending the Trial of Delinquents, arising from the nature of native evidence, is discussed in the Fifth Chapter, at considerable length; and the Essay is concluded by Observations, in the Seventh and Eighth Chapters, on the present Condition of the Jails of India, and a few Hints for their Improvement.

CONSIDERATIONS

ON THE

STATE OF INDIA.

CHAP. I.

THE SITUATION OF THE YOUNG WRITERS.—THEIR PREVIOUS EDUCATION.—THEIR DEBTS CONTRACTED AT COLLEGE.—THEIR DUTIES THERE.—ON THE COLLEGES OF CALCUTTA AND FORT WILLIAM.—CHOICE OF THEIR LINE IN THE SERVICE, &c.

THE most important period to a Young Civilian, is that which he passes after his arrival in the East, and previous to his entering on the public service. To this period may be added those years devoted by his parents to the finishing of his European education, and to the acquisition of those accomplishments

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THE SITUATION OF THE YOUNG WRITERS,—THEIR PREVIOUS EDUCATION,—THEIR DEBTS CONTRACTED AT COLLEGE,—THEIR STUDIES THERE,—OF THE COLLEGES OF HERTFORD AND FORT-WILLIAM,—CHOICE OF THEIR LINE IN THE SERVICE, *&c.*

THE most important period to a Young Civilian, is that which he passes after his arrival in the East, and previous to his entering on the public service. To this period may be added those years devoted by his parents to the finishing of his European education, and to the acquisition of those accomplishments

accomplishments which are to fit him for society. This portion of his time is very differently employed by different parents; but it seems to be the general wish of all, that the boy whom they are so soon to lose, should imbibe a taste for the pleasures of home, and the society of his friends, ere he quits them for a new world.

Natural affection, and the desire that early impressions of domestic enjoyment should promote in the young adventurer, such exertions as will insure a speedy and honourable return to his native country, combine to render this desire in the parents highly laudable. It may also be well, that the young man should learn somewhat of the manners of the world under the eye of his parent, ere he is sent to study them alone. Our ideas, however, on what constitutes *the pleasures of home*, are, according to the society in which we live, exceedingly various. The very liberal footing on which the Civil

Servants of the Company are placed, has rendered the appointment to a writership an object worthy the attention of even the most distinguished families: And where the parents pass their time in the scenes of gay and fashionable life, and derive their pleasures and their criterion of happiness from these, it will be to a participation in them alone that the young man will be called. Equal affection will probably promote equal anxiety in both his parents to introduce him into their respective circles of attraction. The father, perhaps, is devoted to the pleasures of the field. Here, then, the hounds, and all those accomplishments requisite to fit him to follow this sport; the most celebrated repositories, where he may receive practical instructions in the science of *horse-flesh*,—Newmarket, in whose varied and singular scenes, and in the society of whose jockeys and racers, he will be taught to recognise all that is "great and excel- "lent:"—these and such other institutions will,

will, in many instances, be found to constitute that initiatory school, in which, during the period previous to his quitting Europe, he is "to learn to emulate his father's "fame."

On the other hand, the more gentle accomplishments of dressing, dancing, visiting shops and auctions, going to routs, and attending card parties, are, in their turn, often encouraged by the mother. As we doubly prize what we are soon to lose, the boy is every where in demand, every where caressed and encouraged, and, naturally searching for the reason of his popularity, finds a very sufficient one in his present accomplishments. These, therefore, he carefully imports with him to India, and he there finds a similar, if not a better field for their display.*

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* The fear of being reckoned national, a fault so commonly attributed to the Scotch, will not prevent me from observing,

In India, that great *desideratum*, Money, is ever to be found. The kind Bengalee *Baboos*, (a set of money-lenders, whose profession will be afterwards more particularly explained,) are always at hand. The young Civilian is expected, as last from home, to set the fashions, and in his equipage, dress, stud, furniture and table, he is accounted nothing, if he does not exceed, or at least equal his companions.

It has frequently been matter of astonishment, in what manner the debts of the young

observing, that most of the errors here mentioned are confined to the education of Englishmen. In Scotland, such latitude is not allowed; more attention is paid to moral and religious principles, and the consequences are seen in the conduct of the young men from that country. They are more careful and economical than their English companions. The highly coloured, but genuine picture hereafter given of a Young Writer, is however, by no means to be considered as applying to *all* the young Englishmen who go out to India: but of late years, the likeness will be frequently recognised; and many young Scotchmen have most foolishly copied from the picture.

young Writers could amount to the enormous sums which we so often hear of. This subject is deserving of the greatest attention. It will be of more than common importance to those who have yet to learn, and who remain often incredulous of the fact, till experience, too dearly bought, may inform them of its truth. A few considerations on this point, therefore, will neither be useless nor impertinent.

The origin of such a very high expenditure, in men so young, may be traced to two principal causes. To the facility with which a large sum, (in every case to the amount of 10,000 or 12,000 rupees), is obtained by any Writer in his first year's residence in Calcutta, and to those *liberal ideas*, as they are denominated, which they have of money matters. In plainer terms, to that shameful want of principle, which permits their spending any sum of money, the property of another, where the day of payment

is at a distance, in some cases, where the arrival of such a day is impossible. This want of principle prevails among the young men, to a degree which will scarcely be credited. A writer, on his first arrival, perhaps brings with him a letter of credit, on a house of business, for the amount of £500, or 4000 rupees; for, in the estimation even of the most liberal parents, this is deemed a sufficient sum; and it is perhaps as little as the young man may require, (if he is careful), to furnish his house, and to purchase the necessary articles of equipment. That he should have this sum of money at his command, on his first arrival, is often productive of good consequences. But it is only productive of such consequences, when the young man is careful, or, to give it a more just, and less exceptionable term, is strictly honourable. In many instances, where those rigid principles have not been inculcated, it would be better to allow him nothing: for often this allowance acts as a

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single drop in the ocean; and when it is swallowed up, if the house of agency will lend no more, then the native *Banian* or *Baboo* is employed. To those unacquainted with this pestiferous class of men, some explanation is necessary.

The *Baboo* of Writers' Buildings is some native of property, who makes the best use of his ready money in lending it to the young civilians. The interest charged for the loan is generally 12 *per cent.* This high interest, and the blamable facility with which these natives advance their money, are amongst the most trifling of the evils thence resulting. When a sum of any magnitude is advanced by a *Baboo,* one of his poor and needy relations is received into the house of the borrower, and forms from that period, till the debt is paid, one of his establishment. This *Sircar,* as he is called, receives wages from the young civilian whom the *Baboo* has obliged. His nominal

nal employment is to keep accounts of the expenditure of the household, and the sums advanced by the *Baboo*. His actual duties are, to insinuate himself by that address which is peculiar to the Bengalee, into the management of the family, and having accomplished this, to enrich himself by every species of knavery. To cheat in all the articles he purchases, enhance the price of every commodity, by insisting on a regular per-centage from the dealers, and to supply every want of the young man, by immediate advances of money. This vile and uncommon species of knave, holds his situation by a very secure tenure. Should the borrower refuse to comply with the custom of the country, by denying the *Sircar* admittance into his household, the loan is refused; should he presume to complain of his exactions, the immediate payment is demanded. Such a condition, the *Baboo* is well aware, cannot be complied with. The imposition, therefore, of the *Sircar*, increases with the

 security

security of his tenure, and the certainty of escape.

Such is the relative situation of the young Writer, the *Baboo* and his *Sircar*, whilst the Civilian continues in College. The field of spoil only opens upon a promotion to an appointment. If the situation is worthy of his attention, the *Baboo* himself accompanies him to his station, and insists upon being employed in some official situation. If his request is resisted, a sight of his bond will speedily enforce compliance. If the appointment is one of an inferior nature, the *Baboo* remains, but dispatches one, or perhaps more, of his *Sircars*. These, in addition to their former avocations in the household, are now presented with some of the lower offices in the court or district in which their European master is employed; a greater field is opened for their exertion, and nobler objects of pillage present themselves. The same spirit of cunning and avidity for gain which

which at once covered and increased their more paltry exactions, accompanies them still in their higher situations. Directed by their employer the *Baboo*, they intermeddle with all the official concerns of their master. By their falsehood, and utter want of principle, they colour the cases which come before him; they quash the complaints of the more unfortunate natives, who have not money to offer as a bribe; they promote the cause of injustice, and defeat the purposes of benevolence; and by receiving money *(in the name of their young master)*, by whatever hands it is offered, they degrade the European character, pervert the law, and contaminate the sources of public justice. The account, in the mean time, is running on at interest to an indefinite amount. It is seldom, if ever, that the young Writer troubles himself with looking into his own affairs, and when he does, his astonishment lasts but a short time; nor is it often succeeded by good resolutions: on the contrary,

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how often do we hear the young men assert, that they never can pay their debts, so to what good purpose should they retrench their expences.

In India, from the effects of the climate, no European ever walks: equipage and horses, therefore, become an unavoidable article of expense. From the circumstances, that all classes in Calcutta, even the lowest European, must of necessity employ a carriage or horse, it is natural that the young civilians should be anxious, by the superior richness and variety of their equipage, to mark that distinction of rank to which they have been accustomed in Europe; and when we add to these more rational causes, the love of novelty, the desire of change, the passion for expense, and the ridiculous and empty anxiety to exceed their companions, not in the higher walks of science, or of literature, but in the superior extravagance of their dress, or their table,

table, or their equipage, we shall discover some of the principal reasons for the great, and yet very frequent amount, of the collegian's expenditure.* The operation of

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* Of all these, the expense of equipage and horses is the most fatal. In equipage, novelty is every thing, and it affects the buyer as well as the seller. A new carriage is bought; the price is high, because it is fashionable and new. It is driven awhile, loses its new look, and becomes unfashionable. It must now be sold; but now it only brings half price; and deducting the interest of the money laid out, that half price becomes less: a new one must be bought. Thus, on each successive change, a large sum of money is lost. Add to this the constant repairs, the expense of harness, whips, &c. But the desire of novelty has more serious effects in the purchase of horses. These, though expensive when bought, as the young men generally buy them from each other, or from livery stables, are yet very common in India. He who would make a superior figure, must, therefore, have a great number, and they must be more valuable than the common run. These must also be constantly exchanged, and that on every exchange a loss ensues few will deny. The horse falls in estimation from your de-

sire

these causes is greatly facilitated by the custom of giving and receiving bills, instead of ready money. The date of these is, or at least always appears, distant. He that would dun you for the amount of these bills, is avoided and despised by his more easy and fashionable friends, and, as long as payment is not insisted on, the existence of the debt never occasions a thought. The young men his companions, to whom the civilian owes money, can never be so ungenerous as to require payment. His tradesmen follow this good example for some time, and, in many instances, delay sending in their bills till years have elapsed. Their employment, indeed, in some measure, depends on their being

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sire to part with him; for, though not always true, the observation is in every one's mouth, "That nobody "sells a good horse." So strong is this desire of change, that it is very common to give two or more equally valuable horses in exchange for the favourite one, on which the person may have cast his eye.

being above receiving ready money, and the *Baboo*, last of any, will think of presenting his claims. He is drawing an enormous interest, an interest which doubles the capital every eight years; and, in the mean time, he has, through the peculations of his *Sircars*, perhaps twice or thrice received the amount of his loan.*

Much

* A few observations must be made on the lesser heads of expense. The command of money at first, and the all-powerful principle of imitation, has given rise to a style of living among many of the young men, the excessive folly of which is without a parallel in any other part of the world. Their furniture must be of the most expensive kind; and, when out of fashion, must be sent to the hammer, and sold for nothing. The expense of every article of household-furniture, when made by Europeans, as the young Writer's must be, is, in India, immense. *But there is no day of payment mentioned when the article is purchased.* Their tables must be supplied with every luxury. They keep open house. They drink extravagant wines; never any thing under *Claret, and not unfrequently, Champaigne.* These things all tell in the end.

Much of the mischief occasioned in India, by this spirit of unprincipled extravagance, is to be attributed to that general countenance, which is given it by those from whose

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end. Extravagant in their common prices, they become more so when the *Sircar* is the purchaser. *But the day of payment is distant, and the Baboo* continues to "*bleed* "*freely*." There is, then, the expense of a retinue of servants. It is not in this country as in Europe, where the addition of a horse merely adds to one's debt the price paid, and the food he eats. Each horse must here have two servants. Thus a most expensive establishment is increased by every new purchase. Will it be believed, that the establishment of servants, entertained by a fashionable young writer, amounts seldom to less than thirty persons! I shall enumerate them, and though in many instances I might add to the number, I believe I should find few where I could diminish.

I suppose him to keep four horses; few writers of any pretensions to fashion have less, and I have known several instances of the number being increased to ten. This seldom happens, however, and the following is the common list of servants: Four *Sices* (or grooms),—four grass cutters,—eight bearers,—two *khidmutgars* (or table servants),

whose high situation we might look for a better example. How few that have not resided in India will believe, that he who, knowing that there is no possibility of his paying

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vants),—two, *Hookaburdar* (pipe holder) and his mate, —two *Hurkaras* (or running footmen),—one *Dooria* or *Mihter* (sweeper),—one *Bheestie* (water carrier),—one tailor,—one *Mussalchee* (link boy)—one *Khansama* (steward),—one *Durwan* (door keeper),—two, cook and his mate; in all, thirty. To this number many add a riding boy, a private *Moonshee* (or teacher), and if out of town, a gardener and assistant. This establishment is not entertained for a trifle; but all *must* be of a piece, and he that is extravagant in one thing will be so in all.

The debts contracted in the articles of clothes are by no means to be forgotten. Here, again, novelty and fashion must have their influence. The different articles of wearing apparel, when purchased from the first houses are very expensive in India. But no gay Writer can employ any but the first houses. The day of payment is distant, and never thought of. The tailors, sadlers, shoemakers, coachmakers, and, indeed, all tradesmen in India, are, for the first year or two, the kindest and most patient people on the face of the earth. At last it is necessary

ing the debts already contracted, will yet continue to borrow at all hands,—from his companions, whom he unfeelingly involves in his own extravagance,—from natives, whose relations he must provide for, by introducing corruption and knavery into the administration of his office,—from tradesmen, whose articles

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cessary to add one enormous item to the *Baboo's* account, by satisfying the claims of these tradesmen. I am certain I confine myself within bounds, when I give the average sum of 10,000 rupees to clear off the tradesmen's bills contracted during a residence in College. Independent of this, the gay Writer must frequent the billiard table, and must occasionally lose money in bets at horse races; must subscribe to all raffles; have several tickets in the lottery; subscribe to public places; charitable institutions; and ordinaries on the race-course. He must pay jockeys and stable-keepers, and every now and then buy some expensive article, to shew off for a while; now a piece of furniture; now some pictures; now a trinket. I have left out the expenses attending the college life of the gamester and debauchee; which characters are, I trust, very rare in our service; but are yet to be found.

articles are sometimes bought on credit, and sold instantly, to procure ready money; who has lost all sense of honour, all the pride of independence, and who is utterly dead to every feeling of generous shame,—shall yet be admired by his companions, and encouraged by many, amongst the elder part of the society of Calcutta; by that part of it at least, which takes the lead there. For it is well known, that as there are two distinct classes amongst the young Civilians, so there are two distinct divisions of the society in Calcutta.

I have thus attempted to give some adequate reason for the great debts which we daily hear of. The leading causes are the facility of a supply of money; liberality of ideas, in money matters,—in plainer terms, want of thought and principle; distance of the day of payment, and the credit allowed; the influence of bad example, and the encouragement and support given to each

other

other by these votaries of extravagance :—Due weight being given to each of these separate causes, the extent of the young Civilian's debts will not appear so unaccountable.

The steps taken by Government to prevent the contracting of these debts, have hitherto proved utterly nugatory. The young men have been severely reprimanded. They have been ordered to give in an annual statement of the amount of their debts. The first measure is a subject of ridicule only; but the next is serious, as it sometimes induces those who are deeply in debt to commit a dishonourable action, in signing their names to a false statement. Perhaps the best prevention of debt would be found in prohibiting Government from conferring any situation of trust on young men, whose debts amounted to a certain sum. Or an act of the Legislature might annul the validity of all bonds, bills, or promissory-notes, given by young Writers, as well as all debts of

whatever description; so that no subterfuge might be found. Could we divest our Indian governors of all partiality,—could we limit their patronage, the first of these remedies might be effectual: it would still, however, be difficult to settle the limit to the expenditure of the writers; to ascertain the real amount of a young man's debts, and to prevent deception. But it is not in human nature that interest and partiality should be checked altogether. There then only remains the method last suggested. It could hurt none but the unprincipled *Baboo*, and he, too, would soon learn to avoid risk, by ceasing to lend. The person who shall bring this matter before Parliament, will deserve the thanks, the lasting gratitude of the Company and their civil Servants. It would most materially check the extortion of the *Baboo*, and, besides preventing the utter ruin of many fine young men, it would render all independent of the natives around them. It is a fact which deserves the most serious

serious consideration, that more than one-half of the Company's territories are managed by natives, with *but a slight degree of* controul from the helpless Europeans, who are the heads of office.

After this melancholy description, a few words may not be improperly added, on the subject of the inducements to study and exertion, presented by our Indian Government, to those young Civilians who have commenced their career in the East. For those who have wisely chosen for themselves a course of laborious exertion, there are held out the high rewards, which are the certain attendants of talents, seconded by industry;—the approbation of their country; their being employed in situations of trust, which are honourable from their responsibility, and highly lucrative from the salaries attached to them. To those, on the other hand, of another and a different description,

scription, to the unprincipled, the dissipated, or the obstinately idle; to those on whose callous minds no higher motive can produce any impression,—there are yet lower, but, to them, not less powerful inducements. They are, first of all, their own tormentors. They must study, before they can free themselves from the imprisonment of their College. Whether, then, is it better to devote a few hours, each day, to the attainment of a respectable knowledge of the languages, and to do this of their own free will, or to be compelled by the severity of Government, by the pressure of duns and bailifs, and by the melancholy satiety of a life of pleasure, to acquire that portion of a language, which, although it will free them from college, can never raise them above the level of the crowd; which will render them mere tools, in the hands of a *Baboo*, and dismiss them to join the Public Service, unprepared for the duties of their offices, and undeserving of all future promotion? If the praise of

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their country, the congratulations of their friends, the honourable distinctions which they receive at college, and the reflection, that they are prepared to distinguish themselves in their respective offices, have no effect in exciting their ambition, the sole remaining argument in favour of study, is to be drawn from their self-convenience. Can any one of these declare sincerely, that they have not been compelled to wish, that they had given some little attention to this first and main object? Few can for ever remain fools; and, when left to themselves, deserted by their more dissipated companions, avoided by those pursuing more honourable courses, insulated and dejected beings, they cannot fail to be compelled into their right senses. It will then be too late; but the day will come when these bitter reflections shall force themselves into their minds: "Here I am at last; having wasted years in "thoughtless idleness; incurred debts which

"must

"must keep me for ever in banishment, or "be paid by dishonourable means. I have "not a comfort to shew for my money. I "am placed out of the reach of some, I am "avoided by others of my former associates. "Those around me are busily employed. I "am unable to assist them. I must either "now begin to acquire that, by compulsion, "which I could have obtained formerly with "comparative ease, and with credit to my-"self, or I must pass my days in unprofit-"able idleness, and hopeless inferiority. I "can have no claim on Government arising "from my own qualifications, and I dare "not trust to interest, where promotion will "only give publicity to ignorance."

These reflections will inevitably present themselves, when the young civilian has been removed from Calcutta to an out-station in the interior; and we shall accordingly find, that the mere listlesness of such a life has re-

claimed many of the most thoughtless and extravagant. Although it must be evident, that the young men have, in the first instance, themselves only to accuse for all their follies; yet it must be confessed, there are circumstances attending the institution of our Indian College, which, instead of discouraging, have a peculiarly unfavourable influence, in adding strength to bad propensities. In the institution itself, and in the conduct of the Directors to the young men, are many prominent defects. This assertion may appear presumptuous; but surely they who are educated in this institution are, from their own personal experience, the best calculated to judge of its real merits, and to weigh its several disadvantages; and this more especially, if they have afterwards enjoyed leisure to view the subject coollv: and divested of that partiality communicated by self-interest.

It

It will not here be necessary to enter into the question respecting the necessity of the institution of an Indian College, nor to draw any invidious comparison between those of Calcutta and Hertford. They are both most useful seminaries. The institution of a college at Fort William was an act of that deep penetration which has ever distinguished the measures of the Marquis WELLESLEY. He could carry his enlightened views beyond that temporary barrier, which had been raised by the immediate expense of the measure, and discern in clear, though distant perspective, those beneficial effects which it was calculated to produce upon the Service. Nor has he now any reason to consider these hopes fallacious. Under the most unfavourable circumstances, arising from defects incident to so extended and magnificent an institution; and although it has latterly been deprived of that fostering encouragement which can alone preserve it in vigour; it has yet produced a numerous

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and respectable body of Eastern Scholars; it has materially contributed to the improvement of every branch of the Service, and has kept alive, perhaps, the latest spark of Oriental Literature amongst the natives of Hindostan. It is an institution, which, were it for this sole reason, is entitled to the warmest support of a liberal and enlightened Government.

The College of Hertford, it is said, is still in its infancy; but in England the infancy of such institutions is generally Herculean. Whilst the spirit of novelty lasts, they receive every encouragement, and the era of their commencement is generally the brightest of their existence. If it was principally intended as an institution for the acquirement of the Eastern languages; as such, it labours under great and numerous disadvantages. In India, without some knowledge of the languages, you find yourself a helpless, insulated being, incapable of making any progress.

gress. You are ignorant of the languages of those by whom you are surrounded; and they are ignorant of yours. Here then, necessity compels you to exertion. Encircled by those who speak the language, you no longer feel what you might esteem the insuperable difficulty of pronunciation and accent. Books and Moonshees are to be found in abundance. In short every thing to facilitate your studies is to be met with here, which is of rare occurrence in England. In India, the day can only be passed in the occupations of study, or in that of idleness and insipid existence, which at last breeds its own cure. In England, on the other hand, you may find that variety of amusements out of doors, which produce an idleness, more fascinating from its activity, although equally destructive of all serious purposes of study.

If that period of life between the schoolboy and the man, is, of all others, the most dangerous, and the young persons

are then the most unmanageable, why expose them twice to its temptations? That you send them to school again, when you send them to Hertford, is undoubted; for there necessarily occurs, in the laws of the institution, an uncertainty of execution, or a relaxation of severity, as they are occasionally found too lenient for the boy, or too severe for the man.

By some changes in the Hertford College, it might, I think, be rendered much more useful; and as it is difficult to find a school, where all the necessary branches of an education for the Company's Service could be so well taught, it is most desirable that it should be continued. But surely both institutions are perfectly compatible with each other, and the interest of the one should not be sacrificed to the promotion of the other.

The very high expense attending the institutions

stitutions of Fort-William at its commencement, called for the attention of Government. When, however, the public table was done away, the unnecessary Professors removed, and the appointment of Provost and Vice-Provost annulled, the College had still in its constitution every energy it formerly possessed. But the hand of economy ought then to have been withdrawn; whereas the many subsequent reductions in the amount of the prizes, and in other parts of the institution, have marked, not so much a desire of retrenchment in superfluities, as a wish for the gradual suppression of the whole. In this light, it has been considered, at least for some time past, by the young men; and the cold and apathetic conduct of the Directors, naturally throws a chill over the exertions of its Indian supporters.

"Sint Mæcenates, non deerunt, Flacce, Marones."

But the reduction of part of the establishment, and the diminution of the prizes, is, perhaps,

perhaps, an inferior error, although it has been first adverted to. The great evil appears to be, the detention of the determinately idle, during many years, in College. This not only ensures the contraction of great debts, and all their bad consequences, but it supplies a constant source of encouragement to those who, unless countenanced by bad examples, would be forced to study. These gay characters, who are compelled to drown the *tædium vitæ* in a constant stream of dissipation and pleasure, are, as I have before said, much admired in society, and consequently imitated by others. If even the inducements to study and idleness were equal, which they seldom are, certainly we ought to remove this evil, which throws the balance on the side of idleness. The more so where, as is generally the case in youth, the path is rugged which leads to excellence, and the road very pleasant, for a while, in the other direction. Would it not be a more salutary regulation, that, after evincing that decided

ded propensity to idleness, which has resisted the continued remonstrances of Government during a whole year, the young man should be removed from a situation where he can only corrupt others; he should be taken from the infectious gaiety of Calcutta, and the dangerous society of his companions, to some out-station, there to remain until a knowledge of the languages, and his own good conduct, shall entitle him to the notice of Government. The attestation of such qualifications ought to be sufficiently solemn, to defeat the effects of private friendship, and prevent the exertion of interest. In this manner, it is not improbable, that many would be reclaimed before it was too late; for, in the interior, it is difficult to continue long idle, and there are few inducements to extravagance. Above all things, however, it ought to be attended to, that these young men, after their removal, should be strictly prohibited from paying occasional visits to the Presidency. An out-station

has

has no longer its salutary effects, when, on the occurrence of any unexpected gaiety, the civilian can take *a run down*, and, with impunity, dissipate his time, and throw away his money in Calcutta. In vain, however, shall Government make good regulations, if there exist any one situation in which they afterwards break through them. In every situation, patronage and interest must exert their influence, and there will, perhaps, be found no one service in which the conduct of Government in general shews a more impartial distribution of its favours than in the administration of our Eastern Possessions. But in the important case above considered, no consideration whatever should be allowed to relax the necessary severity of the rule, or to prevent the salutary consequences of a severe example; and the College may certainly attribute amongst the causes of its decline, the many late instances of humane but fatal imbecility, in the execution of those regulations

regulations which were enacted for its support.

It can never happen, that important situations can be exclusively conferred on those of very superior attainments: all must be provided for; all, at least, who deserve it, by possessing the competent qualifications for office, which are within the reach even of the dullest capacity. But surely, even the very lowest employment ought to be withheld from those who, by their idleness and incapacity, are firmly determined to hold out against the Government which supports them.

The present course of study which is pursued in College might be materially improved, by the introduction of more useful exercises, as well as by diverting into more important channels, the course of reading which is at present pursued. Instead of the present Class-books, translations of the

Laws

Laws and Regulations of the Government, the Treatises of Mohammedan Jurisprudence, and the different forms of process in our Native Courts, should be occasionally or partially substituted. Every sentence, almost every word, in these would have their use; nor would they possess less powers of creating interest than many of the present class-books. Few subjects possess much beauty in the eyes of one who reads as a task; and these would, at least, have the charm arising from utility. Under the present arrangement, although the young civilian has obtained a competent knowledge both of Persian and Bengalee, yet he often finds himself in a wilderness when he enters the Court, and commences his first cause. He is, in fact, for a while, exposed to the concealed, but continued ridicule of his inferior officers. It is not likely, indeed, that he should discover this, as the lowest natives around him possess a thorough

command

command of countenance, and, united to this, the most finished politeness.

It is of more consequence, that the great body of the young men should attain a competent knowledge of the languages, although none arrive at distinguished excellence, than that there should be a few distinguished scholars amongst a numerous train of unambitious idlers; and in this light, the present plan of permitting the young civilians to leave the College as soon as they have obtained that portion of instruction which will fit them for the service, is, perhaps, the best that could be adopted. When (as was the case at the commencement of the institution), they were obliged to remain a certain number of years in College (three annual examinations), one portion of the young men, whose talents and ambition would have led them to study under any circumstances, became eminently proficient A second portion were stimulated

lated to exertion by the prospect of rewards. These honours they could only attain by the uninterrupted continuation of their labours during the long period of three years study in College. This circumstance ensured the attainment of a deep knowledge of the languages. There were many, however, whom either a deficiency in talent, or a remissness at some particular period, prevented from classing with these, and who, therefore, formed a medium rank, neither pre-eminently learned nor conspicuously deficient. To this third division succeeded the class of absolute idlers, who wisely calculated on their remaining a certain time in College. A superficial knowledge could not effect their emancipation. Their object was to pass their time happily. It was accordingly at this period of the institution, that we possessed the profoundest acquirements amongst some classes, united to the greatest mass of ignorance, dissipation and extravagance in others.

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These days of bright proficiency are gone: *Sol occubuit;* but we cannot add, "*nox nulla secuta.*"

It is a melancholy, but undoubted truth, that from the year 1806, there appears to have been in this institution a gradual decline, the forerunner of a total dissolution. Succeeding years have sometimes, indeed, produced instances of very wonderful progress. A new regulation has lately been introduced, lowering the standard of proficiency which is in future to sanction the dismission of the Students from College. The attainment of the civilians, of late years, have equalled, and have sometimes surpassed those *of the same standing* in former years: but we no longer find that degree of finished excellence which former years presented. And under the new regulations, the acquisitions of the highest proficients, would probably hardly exceed those of the middling classes of an older period.

period. To this observation there are, however, exceptions, in those honourable examples of young civilians, who have voluntarily increased the period of their bondage, in order to attain to a more thorough knowledge of the languages. As long as this independent spirit is allowed to be exerted, every object, perhaps, may be attained under the present regulations.*

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* Having attempted to point out the evils which surround the young man on his arrival, and introduced him to the College, I shall be pardoned, if, in this note, I enter into some minute particulars, attention to which will materially lessen the danger to which he is exposed; and, trivial as these may seem to the young civilian, entering on his career, let him be assured, that ere a very few years have passed over his head he will acknowledge their importance. It will be well for him if he accept of the experience of another, rather than learn by his own. I would begin by recommending him, on his first arrival in the country, not to be too anxious to get into Writers' Buildings; and, were it even for a few days, to accept of the invitation of a friend to his house. From this friend, not

A few observations on the most economical, as well as the most useful, divisions of a young civilian's labour on his entrance into College, and on the

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not from his young companions in the buildings, he will learn what things are necessary for him. There are those whose principles are so strict, and strength of mind so great, that they will boldly encounter the laugh of others, rather than indulge in any thing which would involve them in pecuniary difficulties. *O! si sic omnes.* These I sincerely congratulate. I have seen such, and even now can instance them among my most respected friends. The purchase of a few articles of immediate use will for such characters be sufficient. But, it is the general opinion, that, "when at Rome, we must do as is done at Rome." You need not, however, do as the fools at Rome. Be neither, therefore, singular in economy, nor in expense. A certain equipage is indispensable. Purchase your Palankeen from a respectable house, as well as your gig; let both be good of their kind: a pair of horses are necessary; one of which is for the saddle. More than this is extravagant; and if these are valuable, and well chosen, there will be less inducement to the folly of perpetual change. Furnish your house neatly

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material points to be attended to in his choosing his line in the service, will not improperly conclude this Chapter.

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and substantially, but not extravagantly. Never change your furniture, but insist on its being well taken care of by your servants. These you ought, if possible, to have recommended by your friend. Servants, in India, will always be what their masters make them; and, if a kind master you will probably keep the same servants as long as you are in the country. It is of consequence, therefore, that you teach them at first to be attentive. Surely we would rather see a house remarkable for its neatness, regularity, and cleanliness, than characterised by the tawdry splendour, and expensive filth, which too often distinguish *a writer's building*;* a picture of thoughtless profusion, without either elegance or comfort. Satin-wood couches, with Morocco squabs, kept seemingly for the favourite terrier or bull-dog; Cleopatra couches, with litters of puppies on them; a room full of mahogany or satin-wood chairs, but scarcely one to which you can safely trust yourself; a table kept for the purpose of sitting upon, and consequently split through the middle; a collection of sporting prints, in gilt

* This is the name given to the set of apartments allotted to a writer on his arrival in India.

If he has the laudable desire of becoming an eminent Eastern scholar, and of remaining in College till he has attained this object, his safest plan is, first of all, to acquire,

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gilt frames, and broken glasses, and a pleasing variety of saddles, bridles, harness, whips of all sorts and sizes, dog collars, horse medicines, &c. Add to this, a young dasher's library, where the desire of improvement is manifested, on the parents' part, by the copies of Hume, Blair, Blackstone, De Lolme, and other grave authors, and the same anxiety, evinced in a different direction, is evident, on the part of the son, who has added Taplin's works, Stable Companions "*cum notis variorum*," Lawrance, Daniel, the Sporting Magazine, and a variety of Naval Songsters, Comic Songsters, Larks and Orpheus's, Nightingales and Apollos.

Let your table be always neat, and every thing the best of its kind; for attention will procure this at no additional cost. If you pay regularly, and have no *Sircar* between your *Khansamah* (head servant or steward) and yourself, you can insist on having every thing of the best sort, and the gains of your servant will still be sufficient to ensure his continuing to serve you well. Keep your

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during a few weeks, merely that sufficiency of Hindostanee which will serve as a medium of communication between him and his *Moonshees*. Let him then commence the

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own accounts, or at least check those of your *Khansamah*, which is easily done each day, by hearing him read them over, and if correct, putting down, in a column left for the purpose, the gross sum of each day's expense. These sums you can in a few minutes add up, at the end of the month.

Where the accounts are taken seldom, your memory will not serve you to check impositions, and the practice of many young men, of *cutting* their *Khansamah's* accounts (as they term it), whenever they are struck with their expenses, as it is often unjust, so it is ridiculous; for the servant, knowing his account is to be *cut*, will add to the amount the sum he expects his master will subtract, and occasionally a little more, that he may err on the safe side.

Until you are out of debt, give no expensive entertainments, and discourage all unmeaning irruptions of your companions, or bid adieu to study and comfort. Take exercise morning and evening, and always unbend at night.

the study of the Arabic and the Sanscrit, devoting to these his whole attention. Having applied himself seriously to these for a year and a half, or perhaps two years, if he then

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night. No study after dinner is necessary, and your health suffers materially by it. Devote the earlier part of the day to your more serious studies, and the rest to the lighter parts. Let your amusements and pleasures be of a piece with the rest of your conduct. Riding, and enjoying the conversation of a friend in the morning, bathing, and exercising with dumb-bells or otherwise, a light breakfast, but a hearty one. As the hours of dinner are late, a forenoon meal (or *tiffin*) is universal; let it be a light one, that you may be no less fit for study after than before it; for the portion of your day from breakfast till dinner is all that can or ought to be given to study; after dinner, take your evening drive on the course. Laugh at the extravagant dress and equipage of your thoughtless companions; but be as gay and lively as any around you. Join moderately in the *cold weather festivities*. Try to excel in every thing as you do in study. Unbend cheerfully in company; but be able to maintain your ground in grave discourse. Read the occasional publications of the day; when you can find leisure, continue your English reading. Court the

then applies a few hours a-day to the derivative languages, the Persian, Bengalee, Hindostanee, Mahratta, &c. he will find their acquisition very easy, having already attained the ground-work of them, in the Arabic and the Sanscrit.

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the society of the grave and the studious in Calcutta; but be always ready to join in any innocent amusement among your young friends. Go occasionally to Barrackpore (a beautiful spot sixteen miles from Calcutta). When acquainted with some friend there, the end of the week frequently spent with him will benefit your health, be a source of great pleasure, and will send you back with renewed vigour to your books. Cultivate the acquaintance of some kind and domestic family in Calcutta, with whom your hours of leisure may be spent, with more advantage, and with much more real enjoyment, than in the pursuits of idleness and dissipation. The chief sources of happiness which I have possessed since I left home, have been found in the society of a few domestic families, and never shall I forget the many cheerful evenings I owe them, or my weightier obligations to them, for encouraging me to study, and to persevere, when I needed such encouragement much.

If, on the other hand, it is the intention of the young civilian to attain only a respectable knowledge of the most useful and less difficult languages, in order to fit himself more immediately for active employment in the Service, he ought to commence with the Persian and Bengalee languages, giving up a few hours occasionally to the study of the Hindostanee grammar. He will soon discover, that his knowledge of the Persian and Bengalee will supply him with the greater part of the vocables of the Hindostanee.*

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* There is a very easy method of obtaining the idiom and style of the Eastern writers. I mean that of getting by heart portions of their works on various subjects in common use; as, for instance, pieces of tales, sentences particularly well expressed, &c. By having a number of these at hand, you can always give your translations the air of native productions. I found this particularly useful to me. I would also strongly recommend a practice, which, though at first irksome, is attended with the greatest

It is indispensable that he should, as soon as possible, address the *Moonshee* in the language he is then studying, giving up all communication through another. The acquisition

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greatest benefit, and becomes daily more easy. I mean that of writing down each day the new words you have met with, and in the afternoon, or early next morning, getting them by heart. Thus you never meet a strange word twice; whereas, you may look them up in the dictionary a dozen times over, and as often forget them. What you not only take the trouble to write down, but get by heart also, you seldom forget.

In most schools, academies and colleges, it is customary to commence the study of a language, by devoting many months to the whole or greater part of a complicated grammar. I would strongly recommend the very reverse of this. Begin by bestowing only a few days, in learning the inflections of a few common nouns, and of the principal verbs. Immediately after this, commence at once reading an easy author, with the assistance of your dictionary and your *Moonshee*. After thus reading for several months, you will be able to understand, and be much benefited, by the perusal of the grammar.

quisition of the colloquial part of the language, although frequently more necessary in active service than any other, is too often neglected or despised. He should embrace

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mar. Nothing can be more disgusting to a beginner, than the acquiring of rules, the utility of which he cannot perceive until he has somewhat advanced in reading. The method above suggested was what my excellent friend LEYDEN called "breaking the neck of a language."—Having mentioned the name of LEYDEN, to pay no tribute to such unquestioned genius and intrinsic worth, would be the height of injustice. Whilst yet a boy, and under my father's roof, I had been taught to admire his wonderful talents, and we met in India as old friends. His industry was constant, unwearied, indefatigable. Whether in health or in sickness, he was always well employed. His only aim seemed to be the encouragement of literature, and the acquisition of useful knowledge. For himself, LEYDEN solicited nothing. And, when placed in an independent situation, by the kindness of his Patron (LORD MINTO), he only made use of his additional means, in encouraging, entertaining and supporting, a wide circle of learned natives. He had a very considerable knowledge of all the languages of India,

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every opportunity of talking with the natives, and of overcoming that general bashfulness which Europeans feel in addressing them in their own language. In his intercourse with them, more than in any other way, will he acquire a knowledge of the idiom, the accent, and those peculiar phrases which introduce one into the minute niceties of

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dia, and had collected materials for making the most interesting communications on the subjects of Eastern literature and history. LEYDEN's heart was kind and benevolent. There was, indeed, something rough and uncouth in his manner and conversation; but this was forgotten by all who knew his intrinsic worth. Those who sought for a complaisant acquiescence in their every opinion, and a tame acknowledgement of their superiority, did not find in LEYDEN the polite companion they wished for; and for the lighter and gayer part of society, his conversation had no charms. His voice was rough and unpleasant. LEYDEN was, from these, and some other peculiarities, not generally liked. But he was esteemed and beloved by all those whose esteem he cared for, and his name will be remembered while science and literature have attractions in India.

of the language, and give a species of native polish to our expressions. He ought to attend even to those phrases which are in common use amongst the very lowest classes, as every thing acquired in this manner will be of essential use when he is once actively engaged in the discharge of his public duties. How often do we see our first scholars at a loss, when accidentally placed in situations where it is necessary to understand the manners, the habits, and the familiar language of the lower orders.*

It is somewhat difficult to throw out any general directions, for the selection of what is commonly termed the Line in the Service. This will entirely depend on the constitution,

* One of my great amusements, while in Calcutta, and from which I have afterwards found a serious advantage, used to be that of visiting the houses of merchants and others, where you meet with men of various countries, and of entering the shops of tradesmen and mechanics, and chatting with them.

tion, the industry, and the particular or favourite bias of the young man; and every one of course ought seriously to consider the subject, under these different points of view, before he comes to a final determination. Nothing, generally, can be a more decided symptom of a weak disposition, than the changing about, from one profession to another; and yet nothing is more disagreeable, than the avoiding the opinion which this gives rise to, by remaining in a station for which your talents and disposition proclaim you to be unfit. Let him reflect, that "no man ever made an ill figure, who "understood his own talents, nor a good "one who mistook them."*

A short account, however, of the different branches of the Service, is the only thing necessary in this part of the subject. These branches

* Swift.

branches are the Judicial, the Political, the Revenue, and the Commercial. Of these, the Judicial is generally accounted the most honourable, as it requires, in those who fill its different employments, a combination of very high qualifications. Amongst these, are a command of the native languages, an intimate knowledge of the manners, customs, and religious prejudices of the natives, patience, industry, temper, and, perhaps above all, a love for the profession. A Judge and Magistrate (for in India the professions are united) is, in truth, a petty sovereign; he has every thing in his power; and, as he uses his authority, he becomes a blessing to the district in which he is placed, or an instrument of tyranny and oppression to thousands. To this branch of the Service, however, there are very serious objections, which ought to be deliberately weighed, before entering upon its duties. No one whose constitution is not naturally strong, or who, from a disinclination to a sedentary

sedentary life, finds himself unable to bear intense application at times, and the most constant employment during his whole day, should ever enter into the judicial line. When once selected, if he who fills it is of a sanguine temper, or possesses a proper feeling of pride, he will be most unwilling to relinquish his profession; he will cheer himself to the last, by hoping for better times, and some remission to his labours, from the success which has accompanied them; but these will never come. When he has, with infinite labour, brought his own district into order, he will be removed to some other, which has long been lying fallow, and where the weeds of vice and of criminality have become luxuriant, under the mismanagement and neglect of some cold or indifferent master. And, perhaps, to complete his chagrin, this very person will be appointed to the superintendence of the district which he has left.

This extraordinary policy may, perhaps, have originated in the fear, or perhaps in the experience, that a Judge remaining too long in the same district, formed improper connections with the *Zemindars,* and made a bad use of his power. These days are, I trust, for ever past. It is most generally acknowledged, that, upon the whole, a more upright and honourable set of men, than the Company's establishment who now govern the country, is no where to be found. There may be, as there commonly are in all public bodies, a few individuals of the description above alluded to; but it is a certain mark of the diminution of corruption, that the corrupt are well known, and anxiously avoided. Let such men be punished by Government; but let not the punishment of these extend, in its baneful consequences, to the innocent.

It would be well, that the number of Judicial Servants were increased, which might

be effected, by removing the Assistants of Collectors, who in scarcely one instance out of ten, have any employment, and making them act under the Judges and Magistrates. This need not interfere with their promotion in due course to collectorships. The two lines ought, as formerly, to be so arranged, that promotion might take place from the Judicial to the Revenue, but not from the Revenue to the Judicial; for although every Judicial Servant may, and, indeed, ought, to be acquainted with the duties incident to the Revenue Department, yet the duties of the Judicial Line are much more arduous, and require study of the regulations, command of the languages, and practice in the Courts. The Judicial Line is the only one in which the young man is employed in duties of extreme responsibility, from the very day of his entrance. From the great extent of the jurisdiction which is in India entrusted to one Judge and Magistrate, from the litigious disposition of the

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complainants in the Civil Courts, and the rapid operation of the causes promoting robbery and theft, which will be hereafter detailed; from the continued agitation in which he is kept by the Courts of Circuit, and the *Sudder dewanee adawlut*, from the annoyance of a quarrelsome Collector, or idle assistants, and from the interference of litigious Europeans, half-casts, and natives, the Judicial Servant is not permitted a moment's ease.

The great art of preserving health in the Judicial Line, is to appropriate a certain portion of the day to its duties: never, on any account, to exceed this. To take regular exercise at leisure hours, particularly in the morning. To unbend altogether when out of office, and enjoy the pleasures of society, not as a permanent object, but as a necessary recreation. To study method in every thing. To be very cautious in the first measures adopted, and the first orders given on

any occurrence. Not to enter too minutely into the detail of business, but to keep in view the more important parts of it. Nothing more completely incapacitates a man for the discharge of judicial business, than the rule which he may lay down to himself, of minutely investigating, and proceeding with extreme caution, in every case which comes before him. The chief duties of a Judicial Servant in India are magisterial; and, in all of them, there is no doubt that promptitude, dispatch, and confidence in himself, are the first requisites. Even in his judicial capacity, the Indian Judge will find these qualities of much importance.

Much more will be found hereafter on the duties of the judicial line; but, at present, what has been said, when duly considered, will perhaps induce young men to think seriously before they select it. He who can, under all the obstacles presented

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to him, perform its important duties, in an eminent degree, merits the praise and encouragement of the community and of Government.*

The Political Line is the most limited in the Service. In it an Assistant has seldom much to do; when employed, however, his responsibility is very great, particularly when he has charge, in the absence of his superior, of a political residency. He requires, alike with the Judicial Servant, a command of the native languages, and a great deal of general information. Though not a busy line in time of peace, it is yet at all times highly creditable, and, when the

 Assistant

* The comfort and support which I at this moment feel from the reflection, that I have lost my health in attempting to discharge the duties of this line of the Service, is, indeed, very great, and there is nothing which affords me more pleasure, than the hope that I shall one day be able to renew the attempt.

Assistant rises in rank, and is promoted to a residency, or has the important charge of an embassy, I cannot conceive a more interesting situation. While an Assistant, his time may be most usefully employed in fitting himself for the higher stages of the profession, by acquiring a knowledge of the languages, manners, and habits of the natives in general; but more particularly those who frequent the Durbars or Courts; by making himself master of the history and politics of the different native kingdoms, and by that most necessary, although, in India, most mortifying of sciences, the study of Human Nature. The number of political situations is, as I have above stated, very limited, and promotion, without the assistance of extraordinary talents, or great interest, is very slow. Few young men obtain a charge of any responsibility under fifteen years service. There are, besides, scarcely any intermediate steps between an Assistantship and the high situation of a Resident;

dent; and these intermediate steps are confined to promotions in the political offices in Calcutta, or to temporary trusts.

In one respect, the two remaining branches of the Service, namely, the Commercial and Revenue, are very similar; they both admit of a quiet and easy life.

The Assistant to a Collector, or to a Commercial Resident, has almost nothing to do, unless during the absence of his superior; the Collector, or Commercial Resident himself, having in general only employment for a few hours in the day. This is always the case in Bengal. In the upper provinces the duties are considerably heavier. I do not, however, mean to say, that where these officers really wish to perform conscientiously the whole of their duty in detail, they ought not to find enough to do. On the contrary, I have seen several instances where Collectors attended in person to the whole details of office. But these are

too generally entrusted to the *Dewan*, or head officer in the Collector's department. It must be here observed, however, that the effects of entrusting a Collector's Dewan with the entire management, are by no means so baneful as the delegation of a similar power to any native employed under a Judge.

In the last-mentioned line, much good may be done by the Revenue Servant, particularly if he interests himself in repressing, as far as he can, the wrongs of the *Ryots*, who are constantly subject to imposition, from the various and uncertain nature of the collections, and of the land-tenures; and if he exerts himself in forwarding the recovery of land alienated under false pretences. A minute and regular inspection of the records of his office, is, indeed, a work of labour, and is seldom performed, though its utility cannot be called in question.

The Commercial Line is certainly the least attractive; but even the strict perform-

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ance of its duties might very properly fill up the day. In it an Assistant has nothing to do, and it is seldom that a residency is obtained under twelve years. To those who have capital, and a knowledge of trade, these years may be well employed. Indeed, there is no line of the Service, where the duties, when conscientiously executed, will not afford a sufficiency of labour, and the means of acquiring credit and wealth. I should, however, be disposed to give the preference to them, in the order in which I have mentioned them above, viz. 1. The Judicial; 2. The Political; 3. The Revenue; and, 4. The Commercial.

In the next Chapter, I propose giving some account of the country, which may not be without its use to those who have just commenced their career as Civil Servants, and which even the more experienced will do well to keep in mind, while perusing the remainder of this Essay.

CHAP. II.

DESCRIPTION OF THE COUNTRY, AND ITS POPULATION, WITH SOME ACCOUNT OF THE DIFFERENT RACES OF ITS INHABITANTS,—OF THE GOVERNMENT,—OF THE COURTS OF JUSTICE,—THE EUROPEAN AND NATIVE SERVANTS OF THE COMPANY,—THE PROGRESSIVE IMPROVEMENTS IN THE JUDICIAL SYSTEM,—IN POLICE,—THE REGULATIONS ENACTED ON THESE SUBJECTS, &c.

To those who have never been in Bengal, or who are there only commençing their career as Servants of the Company, and have not enjoyed opportunities of acquiring information regarding the country and its inhabitants, still more especially, to the younger Servants of the Company,—it will be proper

per to address a few words. Not that there are wanting many and excellent general accounts of Hindostan, but because these works have seldom descended to minute particulars. Those books which are connected with the history of India, are not in the hands of every one; and it is necessary that the reader should possess, within the present Essay, materials sufficient for forming his opinion on the different branches of the subject. For more useful and extensive information, I should recommend his reading Mr. COLEBROOKE'S work on the "Husbandry of Bengal;" Mr. WARD'S "Account of the Hindoos;" the papers on these subjects, in the Transactions of the Asiatic Society; and the Supplementary Volume to the "Digest of the Regulations;" to all of which I am indebted.

Bengal is, for the most part, a flat champaign country, having, however, occasional elevations, and, in some parts, hills. It possesses

sesses every diversity of soil; but the greater part of it is of a clayey nature, with a portion of siliceous sand intermixed. Owing to the inundation of the rivers, and the partial intermixture of other substances than those above mentioned, the quality of the soil varies extremely, so that in one small estate, we shall often perceive every variety.

The southern and eastern tracts of the country are the most subject to inundation, and, consequently, the richest. The northern and western parts are dryer, and therefore poorer.

The chief productions of the southern and eastern parts of Bengal, are rice, sugar, silk, and indigo: the northern and western parts producing these also, though in smaller quantity, and inferior in quality; their principal produce being opium, tobacco, cotton,

cotton, wheat and barley. Besides those which I have mentioned as the more valuable productions of the country, and which are the objects of foreign commerce, they have, in sufficient quantity for internal consumption, almost every article of domestic comfort. And the great varieties of soil, and even climate, seem to ensure success to those who shall endeavour to bring to perfection any branch of rural economy or manufacture.

The natives of Bengal are not deficient in ingenuity; on the contrary, in many branches of manufacture, on which, from the great demand, a more than common degree of attention and care has been bestowed, we find them rivalling, and even surpassing Europeans.*

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* "We may instance (says Mr. Colebrooke) the "muslins of Dhacca."

A ready market, an unrestricted trade, and consequent rapid returns, with the introduction, perhaps, of a little of the most simple of our machinery, would have a wonderful effect on the trade and manufactures of India,* and a most happy one on the poorer classes of the natives: the more especially,

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* It did not at first occur to me, that the introduction of machinery, if carried to any considerable extent, would have a ruinous, not a beneficial effect, in India. It would throw thousands of natives out of their bread, and consequently give rise to theft and robbery. It ought to be an object of attention at the present time, (when it is probable that a number of European mechanics and speculators will settle in India), to prevent the introduction of complicated machinery; for if it is allowed, where the materials are so cheap, the manufacture of many descriptions of goods at home will suffer.

These observations are not, however, meant to apply to the mere improvement of the tools and instruments already in use, but only to the introduction of great mechanic powers, such as steam, &c. which render labour less necessary.

cially, as the improvement would extend to the whole body; the natives wanting that spirit of enterprise and speculation, which confines the wealth gained by trade to a small circle of daring and ingenious individuals.

At present, in Bengal, wealth is divided among the *Zemindars* or landholders—a few great merchants—the *Mahajuns* or money-lenders—that class of men which includes the officers of our public offices in every department—the servants of the *Zemindars*—and a few petty traders. The great body of the natives, viz. the peasants, artificers, manufacturers, and under-servants, are miserably poor.

It is among these last that vice is generated. These, in proportion as they are comfortable, happy and independent, will be good: as they are oppressed and poor, they will be vicious.

To

To what causes this poverty is to be attributed, and to a more minute discussion of the influence of these causes, I shall hereafter have occasion to call the attention of the reader; these being subjects intimately connected with the police of the country. At present, it is sufficient to have thus noticed the situation of the lower orders.

On comparing the statements of Mr. Colebrooke, Sir William Jones, and Mr. Ward, on the subject of the population of Bengal, I may safely hazard the assertion, that the number of its inhabitants exceeds eighteen millions. There are no certain data in this country, as in England, on which to ground such calculations. Bills of mortality, and general registers, are unknown.

The province of Behar has generally been included in the calculations of these last-mentioned authors; and their estimates, grounded on the records of cultivated land, on the consumption of the com-

mon articles of food, and on small trials by actual calculation in particular parts of the country, have fluctuated between twenty and thirty millions for the two provinces of Bengal and Behar.

Minute and absolute certainty in these accounts is not here requisite. If there are eighteen millions of inhabitants in Bengal, (and this is generally thought below the standard), that number is amply sufficient for my present purpose.

It is stated generally, that in our Indian Empire, such is the fertility of the soil, that one man is equal to the cultivation of four acres. Under this calculation, the present population, judiciously distributed and employed (even without that increase of population which improvements in agriculture and in the condition of the natives would ensure), is sufficient for the culture of almost the whole waste land in the country. That such an extension of cultivation should

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take place, it is only necessary that the condition of the *Ryots* should be altered, and that a vent for the additional produce should be supplied. With such inducements, the present obstacles, arising from want of exertion, and the depredations committed by those Indian robbers called *Dacoits*, and the havoc of the wild beasts, which prowl through the districts lying waste, would soon vanish. Instead of long barren tracts, where the eye is occasionally relieved by small spots of cultivation, in the immediate vicinity of the villages, we should have smiling fields all around us, and the surface of the country beautifully diversified, by groves of fruit-trees, and a constant succession of villages. This is at present an ideal picture; but, by judicious changes, and under a wise administration, its realisation would be certain.

I do not mean by this to suggest, that the labour of the whole mass of population would

would at all times be best bestowed on agriculture. Generally the prosperity of those nations is of longest continuance, which owe it to the joint operation of pasturage, agriculture, and manufactures; but it is much to be wished, that the condition of the lower orders in this country were by some means improved; and the most probable means of doing so at present, would be that of directing as much labour as possible, in the first instance, to the improvement of the soil. Wealth obtained from this source would then, in its necessary progress, demand more comforts, and the higher manufactures increase proportionably in their turn.

The population of Bengal is made up of Hindoos and Mussulmans; among the last a great number have become naturalized, and in outward appearance differ very little from the Hindoos. But a number of the descendants of Persians, Moghuls, Afghans, and other foreigners, have their origin

marked

marked by their fairer skins, and by features of a more harsh and commanding expression.

Among the Hindoos and Mussulmans, there are to be found various shades of colour,—from the light copper colour of the higher classes of Bramins and Mussulmans, to the deepest black of the day-labourer.

Sometimes we see whole villages and tribes of men, who, through all the variety of profession and employment, preserve a fair colour; but, in general, the natives are black, in proportion to their exposure to the sun. This, however, has not an immediate, but a distant effect on tribes and families.

The Hindoos are divided into four great classes; and these last into innumerable lesser casts. The four classes are, The Bra-

min, The Kshatrya, The Vaisa, and The Soodra.

Originally, in point of respect and rank, these were, in the order above given, subordinate to each other. At present, it is only necessary to remark, that although these distinctions are not universally attended to, and respect is generally confined to the rich, yet the Bramins are considered, as they ever were, equal to the gods, while the Soodras are on a level with the beasts of the field. It is with these *gods* on the one hand, and with these *poor beasts* on the other, that we shall be particularly acquainted in the latter part of this Essay; for it is chiefly among these two classes, that crimes are most prevalent.

The Bramins have in former times been always the leading body in the State; they have lately lost somewhat of their authority, but

but have still too much of that influence remaining.

The natives of Bengal are not, generally speaking, strong, but they make up for this by patience and endurance. There are among them some casts who are more robust than others. We may particularly instance the *Gowalahs* or cow-keepers. The food of these consists chiefly of milk and *ghee* (or clarified butter); and to this class the profession of the wrestler is almost exclusively confined. Although commonly this cast is a respectable one, and highly esteemed among the natives, yet few gangs of *Dacoits* (or robbers) are without one or more *Gowalahs*. Cow-stealing, which is one of the most common crimes in our *Zillahs* (or districts), is also practised by these *Gowalahs*, by the Musulmans, and by the *Moochee* or Shoemaker cast.

The Bengalees, in height, are generally of the middle size, uncommonly straight and well made; and their countenances, when young, are generally pleasing. Their children, when very young, are extremely handsome and lively, becoming duller as they grow old. On the subject of their dispositions I have enlarged in another Chapter.

In the eastern and southern parts of Bengal, the Mussulmans are almost equal in number to the Hindoos. In the middle districts, Mr. Colebrooke seems to think that their number does not amount to above one-fourth, and that this proportion decreases as we go farther west.

The Mussulmans are more bold and enterprising; the Hindoos, sluggish and cowardly, but cautious and cunning. Both are in general equally destitute of moral principle.

The

The clothing of the Mussulman and the Hindoo is simple and cheap; their food is procured at a trifling expense, and consists of rice, with a little split pulse and salt; occasionally they have a light curry of vegetables or fish; but this is esteemed a luxury, and is only common among the higher ranks. The Mussulman lives a little better than the Hindoo; and if in the neighbourhood of a town or large village, indulges not unfrequently in a small bit of poor beef.

It is an erroneous idea that the Hindoos are altogether interdicted from the use of animal food. Even the Bramins are enjoined to taste it at some of their sacrifices; and all the other casts eat it occasionally. It is, however, expected, that they perform some religious ceremony previously, and nothing is more common in the vicinity of Calcutta, or other large towns, than to see the better order of the Hindoos returning with their kids from the Temple of Kali. Their respect

spect for that goddess does, indeed, induce them to leave the most useless part with her, viz. the head. But there is little doubt, that the satisfaction attending the sacrifice is enhanced by the good dinner afterwards.

Thieves and robbers, however, are the only persons who live well. Among these, the use of flesh and all kinds of spirituous liquors is common. Theirs is a merry life; and we need not wonder that many poor wretches are induced to adopt it. Let the lower orders have equal comforts with the *Dacoits*, and they will prefer a life of honesty. Among the very lowest casts, particularly among the *Buddeas*, *Dawk-bearers*, and *Harees*, the flesh of the wild hog is frequently eaten. They go out in parties at night, carrying torches, and attended by a race of dogs common in the villages, and called *pariars*. The hogs approach the light, and are run down by the dogs; when at bay, the men

men come behind them and spear them. The flesh is by no means unpleasant to the taste. Parties of this kind, and the *poojahs*, or ceremonies of their gods, are frequently used as a cover for assembling a party of *Dacoits*, armed and prepared to commit a robbery.

The huts of the natives of Bengal are, in general, miserably poor. It is strange that they are more comfortable in the northern and western districts, where there is less trade and commerce, than towards the east and south; but the wealth of the last-mentioned quarter has at present no circulation amongst the lower orders, and cannot affect their condition. The huts of the Bengalees afford no security against the attacks of robbers. They are built with light bamboo frames, covered with a kind of reeds bruised flat, and plaited into mats. Their floors are generally raised about a foot or two from the ground, by layers of clay beaten down.

The

The thieves, who are denominated *Sindeals*, or hole-cutters, easily undermine these floors from without, or cut holes through the mats, sufficiently large to admit of their entering, and by these means carry away property, generally to a very small amount. This is the crime which, in Bengal, has been dignified with the name of Burglary. In the earthern floor, it is not at all uncommon for the Bengalee to bury, in a clay vessel, the little money or jewels he may possess, and sometimes the servants of the house give information of this to the *Dacoits*. There are many instances of the *Dacoits* having tortured the poor natives, until they pointed out the place where their money was concealed. In one village, in particular, which I entered, immediately after a *Dacoity* had been committed, I recollect being shewn two stakes, with a shallow pit dug between them, over which they had suspended the master of the house, and had *actually roasted him over a slow fire*, until he point-

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ed out the place where his little treasure was hid. He persisted so long in concealing it, that very little life remained: he was only released on shewing them a small hole in the wall, neatly plastered over with clay; from this they took all that he possessed, *and he died the next day.*

So frequent, in former times, were the visits of these miscreants, that very few of the lower classes thought it worth their while to amass a little money; and even at the present day, all their little gains are immediately spent in *poojahs* (the worship of their idols), and other ostentatious ceremonies. This disposition has grown upon them; and it will be long before a sufficient confidence in our protection, and an encouragement to industy, will induce them to become independent, or to live otherwise than from day to day. Their *Mahajuns* are their only support. For this description of men I do not know an English appellation

that

that would be suitable. They lend money to the peasants, also grain for seed, and for the support of their families, receiving a very profitable return: both parties are indeed accommodated by these means; but the poor peasant is always kept in balance. Were he suffered to gain, he would become independent of his *Mahajun*; he is therefore merely kept alive. This system suits his habits of indolence and idleness, and it is difficult to induce him to rise above it.

Although, from the arrangements which Government have now made in favour of the *Zemindars*, we are prevented from much interference in the internal management of their lands, I trust I shall yet be able to prove that there still remain means of rendering the peasants a more independent and happy race. These means ought to be the immediate objects of a good police; which word I take in its widest sense, namely, The science of bettering the condition

of

of our fellow-creatures. "Unquestionably "there cannot be a greater act of benevo- "lence to mankind, in a state of criminal "delinquency, than that which tends to "civilize their manners, to teach them "obedience to the laws, to screen them "and their families from the evils and "distress attending on punishment, by "preventing offences, and to lead them "into the paths of honest industry, as the "only means of securing them that com- "fort and happiness which a life of crimi- "nality, however productive of occasional "supplies of money, can never bestow on "them."* This appears to me to be an admirable definition of Police.

The villages throughout Bengal are very much scattered, and at great distances from each other; and the lands only which are in the

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* Dr. Johnson.

the immediate vicinity of the village are cultivated. By this means, many of the richest spots are entirely lost. Where a field is at any distance from the village, so great are the ravages of the buffaloes and wild-hogs, that it is necessary for the poor peasant to raise a small hut upon a scaffold, to watch his crop day and night. But it cannot be otherwise, where nearly one-half of the country is a wild and useless jungle. The *Zemindars* ought by all means to encourage their tenants to spread, by lowering the rents of land, granting long leases, and other indulgences. The Magistrates ought particularly to favour new settlements. The condition of the peasants is at present so miserable, that the slightest improvement would be gladly accepted. The horror of leaving their own country for another, is very great among the natives; but they have no objection to remove to a short distance, or to a neighbouring village.

In

In each Bengalee village there exists a form of government, more or less perfect. In former times, the order was as follows:

The *Zemindar*, or collector on the part of Government.

The *Canoongoe*, a sort of comptroller over the accounts of the *Zemindar*.

The *Putwary*, or register.

The *Mundils* or *Gomasthas*, men of respectability among the *Ryots* or peasants, who were allowed to take lead in managing the affairs of the *Zemindars*. These ought properly to stand between the *Zemindars* and the peasants; but, from indulgences granted them by the *Zemindars*, they were often and easily swayed to favour these last in carrying any point against the *Ryots*.

Next in influence to these were the *Moccuddims*, or head *Ryots* of the village. These were generally old men, whose age and wisdom gave them influence. They were often the farmers of the villages, and had much to say in the affairs of police, and in the protection of the peasants.

Besides these were the *Paicks* and *Chokeedars* or *Pausbans*. The first of these were generally servants of the *Zemindars*, employed in collecting the revenue : but who, from their knowledge of the abode, the means and characters of the peasants, were often applied to for information against criminals. The last were the regular watchmen, and to these succeeded the heads of the different professions, who were allowed to have a leading voice, not only in their own affairs, but in the general concerns of the village. These professions will be enumerated shortly*.

Most

* Under the new *Zemindary* System, the *putwary* has become

Most villages are divided into separate jurisdictions, or places, which go by the names of *Para, Tola,* or *Mohullah.* In these reside the different trades and professions but not exclusively, as others at times mix with them. In each of these *paras* there are one or two leading men, and sometimes women, who are consulted and referred to on all occasions. These are good instruments of police.

The different casts and professions separate themselves into clubs or lodges, to use an English appellation. These are very curious institutions: They have by-laws, by which they are regulated, and these they

 enforce

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become a servant of the *Zemindar*. Throughout Bengal, the *Canoongoes* are done away. The *Moccuddims* no longer possess power. The chief protectors of the *Ryot* are thus removed. From the Fifth Report of the House of Commons, and from Colonel WILKS's History of the South of India, I find, that a village government, exactly similar, prevailed in the south of India.

enforce with the greatest strictness. Nothing can exceed the horror with which a native looks to expulsion from his club, or the meeting of his cast. The consequences are very serious: even their own relations are forbidden eating in company with them; they dare not assist at the religious ceremonies of the cast; and they might starve, before any of their friends, or even relations, would give them help. They are scoffed at and despised. But rigorous as these restrictions are, a large sum of money, or a feast given to the club, and a present to the regulating Brahmins, are at all times a sufficient atonement, and procure a ready re-admission into the cast. When these cannot be given, the person must flee the country, join the lowest casts in society, who admit of outcasts from the others, or live by his wits. He that is driven out from his cast is rendered desperate; he cares neither for reputation nor for life; and he thus makes an admirable *Dacoit*.

Many

Many a young man, who, but for this institution, might have been a creditable member of society, is at once hurried into a life of guilt, and lost for ever. These clubs have each one or more Brahmin priests, who perform the necessary ceremonies when required by any of the club. With these men chiefly lie the decision regarding the infringement of the orders, and the whole secrets of the club. Their influence is consequently very great. They are excellent instruments in the hands of an able magistrate.

In mentioning the population of the villages, and the different professions and trades, it will be well to give the native names, as well as their translations. I have already mentioned the names of the leading men of the village.

The peasants are called *Ryots.*

The agricultural peasants, *Chasas*, or cultivators.

There are in most villages,

Joteshees, or astrologers.

Chikatsoks, or physicians.

Modees, resembling the chandlers in England, supplying the common articles of food.

Telees, or oil-men.

Hulivaees, or sweet-meat makers.

Shrofs, or money-changers.

Mahajuns, a species of money-lenders, formerly mentioned.

Moochees,

Moochees, or shoe-makers, but more properly manufacturers of all kind of leather-work and tanners, making drums, sieves, shoes, harness, &c.

Durzees, or tailors, This profession is almost totally confined to the Mussulmans.

Soonars, or gold and silver smiths.

Naees and *Hujams*, or barbers.

Raujes, or masons.

Gowalas, or cow-keepers,

Dhobees, or washermen; and

Soorees, or wine makers and retailers. These also, in an underhand way, supply the dissipated with opium, *gunja* or *bang*, and other intoxicating drugs.

Besides these, there are fishermen, grain-dealers, green-grocers, and pedlars, of mixed casts.

Pussarees, or spice and drug men.

Sunkarees, or makers of shell bracelets; together with a great variety of professions, which are followed by all the lowest casts indiscriminately.

Among these trades and professions, the most useful to the Magistrate are the *barber*, the *modee* (or chandler), the *goldsmith*, and the *washerman*. The barbers are described in the Shasters as being "*the most "cunning among men, even as the jackal is "among beasts.*" They have, as formerly in Europe, the double profession of barber and surgeon. There are no regular practitioners in this last science known in Bengal. The goldsmiths are professional thieves, as will be hereafter noticed. This

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is also the case with the *Dhobees* or washermen. The *Modees* have a general knowledge of the character and circumstances of every individual, and their accounts are often very useful.*

Nor must we forget the professions with which, in the present Essay, we shall have most to do, viz. The *Dacoit*, the *Rahzun*, the *Sindeal*, the *Gochore*, the *Chore*, the *Bumbuttea*, and many other descriptions of offenders. Of these we must now proceed to give a more minute account.

DACOITS.

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* Particularly in ascertaining dates and expenditure. In a late case of a contested will, tried in Calcutta, the testimony of several of the witnesses was proved to be false, by the production of the *Modee's* books; and in a case of a *dacoity*, in which property to an immense amount had been carried away, the detection and apprehension of the chief members of the gang was effected by an inspection of the *Modee's* books, in which a disbursement, far exceeding their ordinary means, appeared in names of the persons, and led to suspicion.

Dacoits.

The profession of a *Dacoit* is of ancient origin. *Dacoity* is a violent and open robbery committed generally in the night, by torch light, and in almost every instance by a numerous gang. The ravages of the *Dacoits* in Bengal are particularly noticed in the Resolutions of a Committee of Circuit at Cossimbuzar, as far back as 1772. They are there styled "Abandoned outlaws, not "only infesting the highways, but plun-"dering and burning whole villages." It is there ordained, that they be, on conviction, immediately hanged, the villages to which they belong fined, and their families made slaves to Government. Under the native Governments, it was only necessary to prove the identity of the person who was notorious as a *Dacoit*, without specifically proving any act of criminality, and he was immediately executed. They are improperly styled highway robbers, at least accord-

ing to our common acceptation of this word; for a *Dacoit* seldom robs on the highway, and scarcely ever singly, or unattended by a large gang. Their method of plundering is as follows. The members of the gangs, which, for the most part, are of long standing, and regularly organized, are summoned to attend by the *Sirdars* or leaders. The plan and method, as well as the object of attack, are then agreed on. The faces of the *Dacoits* are muffled up in their clothes, leaving only the eyes uncovered. This adds to the frightfulness of their appearance, and prevents their being known. They are often armed with swords and spears, but most of them with a very long bamboo, pointed with iron, which they call a *churr*, or with bamboo clubs, called *latees*. The parties have frequently an old matchlock, which they do not use as a weapon of offence, but only fire on entering the village, as a signal for the villagers to leave it. This signal, throughout Bengal, is immediately obeyed;

obeyed; the villagers, in the most cowardly manner, leaving their helpless wives and children to the mercy of these wretches. The *Dacoits* having arrived at the house, light their torches, or bundles of straw, and entering it, take all the portable property, in brass, silver, gold, clothes, or money. Where treasure is said to be concealed, they seize on some old and decrepid man or woman, and, by threats and torture, extort from them the secret. *Dacoits* seldom murder without cause, or wantonly, but generally from revenge against informers or witnesses, or when they happen to be recognized in the act. I recollect an instance, in which three informers, in succession, were murdered by one gang. The first had gone to the *sudder*, or head station, to give information of a robbery committed by the gang; he was murdered on his return. The second, a relation of the first, had gone for the purpose of giving intelligence of the other's murder, and was also cut to pieces immedi-

ately

ately on his return: and the third, a *Goinda* (or professional informer), who gave information of this last murder, shared the same fate with the other two. The leader of this notorious gang, whose cruelty, in the instance of burning to death the poor peasant was formerly mentioned, who was well known as the perpetrator of various murders, and who was tried, and, in my opinion, fully convicted as the murderer of the *Goinda* above mentioned, was yet acquitted because the evidence did not satisfy the Mussulman *Moluvee* of the Court. There was not in this trial the slightest reason to suspect the testimony of the witnesses; but they had, as is customary in almost every Indian trial, exaggerated some facts; and, most unfortunately, *several of them were women!!!*

The *Dacoits* are not a bold set of men unless in comparison with the unresisting peasants; and there are even instances of their

being

being opposed and defeated by these. There is not a doubt, that the inhabitants of the villages, if encouraged by rewards, and assisted by the Police officers of Government, might be brought to oppose them with success. But it is not, at present, the interest of these officers to do so.

Rahzuns.

The *Rahzun*, or, as the word denotes, road-striker, may perhaps have originally had some resemblance to the highway robber or footpad; but whatever this term may have meant formerly, the Bengalee, when he now talks of *Rahzunee*, generally means no more than a violent quarrel or assault, attended, perhaps, with some small loss of property. To insure a speedy attention to the complaint, it is dignified with the above appellation, and a false statement of things said to be lost is often added. There are very

very few instances of real highway robbery in Bengal at the present time; but it is not uncommon in the Upper Provinces.

Nukubzuns.

The *Nukubzun* or *Sindeal*, from the words *nukub* or *sind*, signifying a *hole*, are a species of delinquents who have been honoured with a title far more dignified than they deserve. The burglar in Europe is justly considered as a criminal of the first magnitude: his punishment is death; but the crime of *nukubzunee*, which is often translated by the word *burglary*, is a crime of a very different nature, and, in fact, is a theft of the lowest and most trivial description of any. The *Nukubzun* or *Sindeal*, in a dark night and with every possible caution and secrecy, pierces the mat of the hut, or digs a hole through the clay floor or wall, and entering it, takes any little thing that may be in his

way,

way, though seldom more than a brass pot, a piece of cloth, or a little rice. No doubt, there are instances in which this species of delinquents proceed to greater lengths; but the above is a true description of *Nukubzunee*, as it exists in most of the *Zillahs* of Bengal. The *Nukubzun* is generally single and unattended. This crime, however, as being easy to commit, is become very common, and on this account has drawn on it the severity of Government. What effect this additional severity has had, I am not yet able to say. The crime originates in the poverty of the lower orders. By removing the cause, we may prevent the occurrence of the offence:—by making the punishment very severe, we lessen the probability of our receiving information.

GOCHORES.

GOCHORES.

The *Gochores* or cow stealers, are among the cleverest of delinquents. They are chiefly Mussulmans and *Moochees*, sometimes joined, and often encouraged by the *Gowalas*. This crime is particularly common in the neighbourhood of Calcutta, and all great towns, where there is a demand for cow's flesh. The intermediate sales are conducted with such rapidity and skill, the animals are so defaced by mutilating their horns and ears, and by the additional marks* placed on them, as well as by the loss of flesh, and there are so many different individuals employed in the sale, that the proofs of this crime become tedious, and frequently impossible. More will be found on this subject hereafter.

* A native marks his cattle by branding them with a hot iron.

Chores.

The *Chore*, or common thief, needs no description; but there are some casts among the natives who are more commonly, or indeed wholly given to stealing. These are the *Buddeas*, a very low cast, and of no particular profession,—the *Soonars* or goldsmiths,—the *Dhobees* or washermen,—and the *Domes* or basket-makers.

Bumbutteas.

The *Bumbuttaes* are those thieves and *Dacoits* who rob on the river. This class also includes a peculiar species of delinquents, who engage themselves to the merchants as *Mangees* or boatmen on board their trading vessels. These, on finding a good opportunity, pierce a hole in the bottom of the boat, and sink it; they are then assisted by their

their accomplices in robbing and plundering the goods amid the confusion which ensues.

Besides these, there are many other sorts of criminals, as swindlers, coiners, &c.; but these are not nearly so common as in Europe.

The lowest casts of the Hindoos, and the very dregs of society, are the *Domes*—*Buddeas*, *Harees*, *Moordafuroshes* (or dead body men), *Lalbegees*, and different descriptions of *Mihters* (or sweepers). These casts feed promiscuously among themselves, or even with Mussulmans and Europeans: they eat flesh, and the refuse of our kitchens,—drink wine,—and do all the dirty jobs about the houses of Europeans. From among these the gangs of *Dacoits* are often recruited.

The public women in the villages of Bengal will give the Magistrate very little

 trouble,

trouble, and they may at times afford him essential assistance in the apprehension of criminals. But the *Dacoits*, for the most part, have kept-mistresses, to whom they are, from necessity, very faithful. The disgrace attending second marriages in India, —the practice of the Brahmins marrying very young women, and leaving them, and the general laxity of morals, render it easy for the *Dacoits* to find mistresses. Jealousy alone will induce one of these mistresses to become informer against a *Dacoit*. They will resist every other inducement; and instances of fidelity and steady attachment are very often seen in our Courts, but more particularly known to those magistrates who have had much to do in the apprehension of criminals.

These observations on the country and people of Bengal, are all that are necessary in the present Essay, although the subject

ject is of much interest, and well deserves to be more fully treated.

The climate is by no means unhealthy to the European constitution. It is, however, necessary to avoid exposure to the sun. This cannot be too much attended to by the new comer. If he arrive young in the country, and take proper care, it is probable that he will keep his health as well as he would have done in Europe, more particularly if he has an easy situation, or, having an arduous one, if he studies method in every thing. This, indeed, is the very essence of business; and I am well convinced, that without this, no Judicial Servant of the Company can do his duty conscientiously without ruining his constitution.

I shall now proceed to give a short account of our Indian Courts of Justice, and of the successive plans and arrangements for the police of the country. Those who

 wish

wish for more ample information on this subject, are referred to Mr. COLEBROOKE's "Supplement to the Digest of the Laws and "Regulations," and to Mr HARRINGTON's "Analysis."

It is scarcely necessary to remind the reader, that the affairs of India are managed in Europe by a Body of Merchants, styled THE HONOURABLE THE EAST INDIA COMPANY, and controuled by a Board, constituted by the British Government, called the BOARD OF CONTROUL: in India by a Governor-General and Council, at the Presidency of Bengal, and by subordinate Governors at Madras and Bombay, each of whom is also assisted by a Council The Council in Bengal consists of three persons, viz. the Commander in Chief, and two Civilians. The internal management of the country is conducted by separate Boards; the Military Board, —the Board of Revenue,—the Board of Trade,

Trade,—and the *Sudder* Court, or Board of Civil and Criminal Justice.

The servants under these respective Boards form distinct branches of the service, but not exclusively so, as servants from any of the branches (the military excepted) are at times employed in other lines; and, in a few instances, military servants have been selected to fill civil situations, particularly as Residents at native Courts.

The Boards are held in Calcutta. There is no Diplomatic Board, although the political line of the service constitutes a distinct branch, and is managed by the Governor, with the assistance of a Political Secretary and select Civil Servants, who carry on the native correspondence, &c.

I shall confine myself at present to a detail of the management of the Judicial Department.

Previous to our interference in the distribution of Justice, it was administered under the native Governments with great irregularity, but with very considerable vigour, and in a most summary manner. "Rapid "executions (says Mr. STEWART, in his Re-"port from Benares), impressing the ima-"gination with terror, and connecting the "ideas of crime and punishment, complet-"ed a system well adapted to overawe men's "minds, and to maintain the public tran-"quillity." The *Zemindars* and *Aumils* were armed with very sufficient power for the apprehension of criminals; these were assisted by all the *Zemindaree* servants, by the officers employed in the collection of the *sayer* or impost duties, (who from their being stationed at the different *gunges* or depots of grain, the *bazars*, and the *hauts* or periodical fairs, whither a variety of people resorted, possessed ample means of information), and by establishments of guards and village watchmen, acting under the

the *Thannadars* or head watchmen.* The *Aumils* and the *Zemindaree Paicks* (or runners) being constantly employed in the collection of the revenues, and acquainted with the place of abode and means of every individual, were wisely selected by the native Government as the fittest instruments of Police.

Considering the immense extent of country, and the limited number of judicial servants employed by our Government; considering also the wide difference in the habits and manners of the two nations, it is not to be wondered, that the introduction of a sys-

* In the Fifth Report of the Committee of the House of Commons, the Police Establishment under the Rajah of Burdwan is described as consisting of *Thannadars* or chiefs of Police Divisions, under whom were employed 2400 *Paicks* or armed constables, and 19000 *Zemindaree Paicks*, who were at all times liable to be called out in aid of the police.

a system founded altogether on European principles, and very different from what the natives had been accustomed to, has not yet had the desired effect, to the extent that was expected, in lessening the number of crimes, and bettering the condition of the people. But observations on the defects of this system will come with greater propriety after the several arrangements of Government have been enumerated. In mentioning these, I shall confine myself, at present, almost entirely to the Criminal Department, touching only on the Civil Regulations where it is difficult to separate the two.

Should I be fortunate enough to meet with readers, who, without the intention of making use of it professionally, peruse this Essay for amusement, I have to request, that they will here pass over to the beginning of the next chapter. What follows here is merely a dry and uninteresting, though useful compilation.

In

In August 1772, a Committee of Circuit at Cassimbazar passed several regulations on the subject of police, which were afterwards sanctioned and approved by the President and Council in the same year.

In each district there was instituted a Civil Court or *Dewany Adawlut*, and a Criminal Court or *Foujdaree Adawlut*. The European Collector of each district, and the native *Dewan* formed the Court of *Dewany Adawlut*. The *Cazee* and *Mooftees* of each district, attended by two *Moluvees*, constituted the Criminal Court. The Collector was ordered to attend to the proceedings of this Court. The names of these officers must at present be given in the native language: their duties will be afterwards explained.

Two Superior Courts, for the administration of Civil and Criminal Justice, styled the *Dewany Sudder Adawlut*, and the *Nizamut Sudder Adawlut*, were likewise established.

blished. The superior Civil Court was to receive and determine appeals from the Provincial Courts. This court was composed of the President and two members of Council, attended by the *Dewan* of the *Khalsa* (a term afterwards explained), the head *Canoongoe*, and other inferior officers. In the Supreme Criminal Court, an officer of justice appointed by the *Nazim*, and called *Daroga Adawlut*, presided. He was assisted by the chief *Cazee*, the chief *Mooftee*, and three learned *Moluvees*: these revised the proceedings of the Provincial Courts, and in capital cases prepared the sentence for the warrant of the *Nazim*. In this court the President and Council had a similar controul to that of the Collector in each Provincial Court.

A box was lodged at the Court-house door for the reception of petitions. This excellent practice has been wrongfully given up, and our *Aumilah* (or Court officers) now

frequently

frequently prevent the poor petitioners from presenting their complaints, or they are seized by some rapacious attorney or *Vakeel*, whose object is not the speedy redress of the complaint, but his own profit arising from a protracted suit.

The proceedings in capital cases were sent in as soon as finished to the *Nizamut Sudder Adawlut*, and records of all other proceedings twice in every month.

The fees of the *Cazee* and *Mooftee*, and their inferior officers, which were a grievance complained of by the *Ryots*, were done away, and they were put upon a regular salary. This was a very salutary change, as, in all situations held by natives, where the salary depends upon the fees of office, it will be the interest of the occupant to multiply them, by encouraging litigation; and in no country is the spirit of litigation more vigorous than in Bengal.

About

About this time, as the peace of the country had been disturbed by bands of *Dacoits*, and as more lenient measures for their extirpation had been found unavailing, it was ordered, that these, immediately on their conviction, should be carried to their villages, and there hanged; that the villages should be fined, and the families of the criminals should become slaves to the State. The *Thannadars* and *Paicks* (watchmen and patroles) were fined, and dismissed for neglect; and rewards, in money and lands, were given to the active.

The resumption of these lands has certainly, of late years, been attended with very bad consequences; for, deprived of their means of living, and turned loose on society, these men are the most desirable of all recruits for a gang of *Dacoits*, as well from their knowledge of the plans of Government for their apprehension, as from their acquaintance with the officers and forms of the courts of justice.

These were the principal regulations of the Cassimbazar Committee. In submitting these to Government, in their letter, which is inserted in Mr. COLEBROOKE'S "Digest," they give a very clear definition of the different offices under the Native Government, which may be useful to the English reader.

The *Nazim*, or supreme Magistrate, presided personally in the trial of capital offenders. He held his Court once every Sunday.

The *Dewan* was the supposed Magistrate for the decision of causes relating to real estates, or property in land; but he seldom exercised his authority in person.

The *Daroga Adawlut al Aulea*, (or *Daroga* of the High Court of Justice), was the deputy of the *Nazim*, deciding all cases of

of property, excepting inheritance in land. He also took cognisance of quarrels, affrays, and abusive language.

That this last should form an object of investigation by so high a tribunal, may seem odd to the European, who is unacquainted with the prejudices of the natives. The more respectable among them cannot bear abuse, particularly of their relations. I have known an instance of a respectable native having resigned a very lucrative and responsible situation, because the head in office gave a free scope to his tongue. The punishment of this crime was severe under the native Governments, and it is still taken notice of by our Magistrates, and punished by fine and imprisonment.

The *Daroga Adawlut Dewanee,* was the deputy of the *Dewan,* and judge in all cases of landed property.

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The *Foujdar* was the officer of police, and judge in all crimes not capital. In capital crimes the proofs were taken before him, and sent to the *Nazim* for his sentence.

The *Cazee* was the judge of all claims of inheritance and succession; he performed the necessary Mussulman ceremonies, at weddings, births, funerals, &c.

The *Moohtesib* had the cognisance of drunkenness, of the vending of spirituous liquors, and of weights and measures.

The *Mooftee* was the expounder of the law, and he as well as the *Moohtesib* assisted the *Cazee* in his court.

The *Canoongoes* were the registers of lands. They had no authority excepting when causes were referred to them by the *Nazim*, the *Dewan*, or *Daroga Adawlut*.

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The *Cotwal* was the peace-officer of the night.

There were thus three courts for the decision of civil suits; but these courts were very irregular, and interfered not only with each other, but with the criminal courts. The court of the *Nazim* was merely nominal. The most regular and best conducted was said to be the court of the *Cazee* and *Mooftees*. If they were not unanimous in their opinion, the cause was referred to a general assembly. This had its uses in preventing hasty or corrupt decisions, acting as a check upon the members of the court. But many obstacles were thrown in the way to prevent the frequency of these appeals.

The great defect complained of under this system for the administration of justice, (a defect which, I am sorry to say, remains to this hour), was the want of subordinate jurisdictions, and a wider and more easy ad-

ministration

ministration of justice, chiefly in civil cases. The poor, and those who were at a distance, had no chance of having their grievances redressed; and the Committee were of opinion, that " summary and arbitrary justice, " or even no justice at all, would be pre- " ferable in its effects to the existing sys- " tem, which called the labourer from the " end of the Province, to wait the conveni- " ence of the rich or litigious, through a " long and expensive process."

This want is still much felt, and can only be remedied by a Court of Circuit, for small debts and disputes, held in the villages, by the Register or Assistants of each district. These proofs being found on the spot, and the parties and witnesses at hand, the decisions would be rapid, and the example immediate. These courts might try on the spot, all cases which a Register is competent to try, and which exceed the sum to which the power of the *Moonsifs* (or native Commissioners)

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is limited. They might be constituted criminal as well as civil courts, and might have cognizance of petty offences, with a power of punishment, the limits of which experiment might determine. The information collected by the Register and Assistants during their Circuits in the several villages would be of much use to Government.

By the orders of Council passed in November 1780, most of the above regulations were re-enacted, and several new ones formed.

The *Sudder* Court had the power given them which they now possess, of suspending the Provincial Judges from their offices, and reporting their conduct to the Governor in Council; and the different Judges and Magistrates were enjoined to obey their orders, and to conform to their regulations, which were to be passed under Seal of the Court, and signed by the Judges and Register.

ter. The Judges of the *Sudder Dewany* Court had the appointment and removal of their native officers, without any interference.

Where it is otherwise, no office can be well managed, and this is of more importance than is generally supposed; for in all cases of dismission where an appeal lies open for the person dismissed, the cunning of the natives, and the unavoidable press of business, will cause delay and misrepresentation; and the excellent effect of immediate example will in all cases be lost. All Magistrates should have an absolute power over the officers employed under them, whose appeal should only be heard when they allege a corrupt motive on the part of the Magistrate as the cause of their dismission.

In 1781, further regulations, containing very little new matter, in the Criminal Department,

partment, were passed, and a new arrangement of the Provincial Courts, increasing their number, and confining their jurisdictions, was made—a Table of Fees was ordered to be hung up in the *Kutcherry* (or Court), a practice discontinued in latter times.

No fee could be demanded upon appeals.

In the present and former state of Bengal, and considering the disposition of the natives, the propriety of such an order might be justly questioned; and in later times this practice was wisely discontinued. Where the jurisdiction is small, and the course of the law clear and well known, appeals may with great propriety be encouraged. But, in the present state of that country, the price of justice cannot be raised too high to the litigious appellant.

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In the regulations passed that year a fuller detail of the process to be observed in civil suits is given, and the forms minutely explained.

In the same year, the heads of the Provincial Courts, who had formerly been styled Collectors, Superintendants, &c. were ordered to assume the title of Judges of their respective Courts: and one Judge was allowed to constitute a court in the *Sudder Dewany Adawlut.*

The Judges were continued in the exercise of their powers, in the appointment of all officers, save the *Nazirs, Naib* (or Sheriff's Deputy), and the *Mirda,* or Head of the *Peons,* with the establishment of the peons under him. The office of the *Nazir,* and of the servants employed under him, with the removal of these servants at pleasure, ought always to constitute a separate department, and was very properly entrust-

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ed to its own head, the *Nazir*. When the Magistrate interferes with the *Nazir's* appointment of his own officers, he cannot, with so much justice, blame him when the duty is ill performed.

The Civil Courts were strictly forbidden any interference in criminal matters, except in cases of contempt in open court, or perjury. In these cases, the practice was to take the depositions of the witnesses in the Civil Court, and to make over the proceedings and offender to the *Foujdaree* or Criminal Court.

The court of *Sudder Dewany Adawlut* have always had the power of hearing any original complaint to which the Provincial Judges may not have chosen to attend, and may send the same back for the cognizance of the Provincial Judge, with an order for investigation. This Court may confirm or reverse, wholly or in part, the decisions of the

the Provincial Judges in civil suits, may remit them for trial *de novo*, and may pass what other orders seem to them proper, decreeing costs to either party, as circumstances dictate.

The Regulations, up to this date, were translated by Mr. WILLIAM CHAMBERS, and printed at the Company's press in 1781 and 1782. In 1783, the regulations were translated into Bengalee by Mr. DUNCAN. These were reprinted with the original English in 1785, and a Supplement was added.

The regulations hitherto enacted, having been submitted to the Court of Directors, were, for the most part, approved of. Some alterations were made, and the whole code, adapted to the system so approved, was passed by the Governor-General in Council in June 1787.

I find

I find it is very difficult, in tracing the progress of our Indian Courts, and enumerating the different regulations made for their guidance, to separate entirely, as I had intended, the Civil from the Criminal provisions. The regulations for 1772, and 1781, include both departments. I have enumerated the leading points in the Civil Regulations, up to 1787, which appear to me to be at all connected with the subject in hand, by their general influence in facilitating the administration of justice. I shall now take notice of the orders more particularly connected with the subject of police, and the punishment of crimes.

In Mr. Colebrooke's Digest will be found an extract of a letter from Mr. Warren Hastings, then President of the Council, dated July 1773, in which the insufficiency of the existing laws for the suppression of *Dacoity* is clearly set forth, and improvements suggested; the principal of which are

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that greater severity should be shewn in the punishment of the crime of *Dacoity*, by immediate example, and by making slaves of the families of *Dacoits*: That the lands of the *Thannadars* and *Paicks* should be restored: That Government should have the right of interference in the sentence passed by the *Nazim*, by increasing, by diminishing, or commuting the punishment: That the niceties in the Mussulman law, particularly the distinction between murders committed by an instrument of bloodshed, and by other weapons and methods, should be dispensed with. In 1774, the President farther recommended, that *Foujdars*, or police-officers, should be appointed in the different districts. He adverts to the evil effects of the farming system, and to the too great minuteness in the details of business in our Courts. These are subjects of great interest, and shall be hereafter attended to. The description given by Mr. HASTINGS, of the race of *Dacoits*, and their occupations,

cupations, has been noticed in another place.

In 1775, the great Criminal Court, or *Nizamut Adawlut*, was removed from Calcutta to Moorshedabad, that it might be under the more immediate superintendence of the *Naib Soubab*, *Newab Mobarick-ul-Dowla*.

The *Naib*, on his appointment, proposed some arrangements, the greater part of which were sanctioned by Government. Among others:

That the Board should give a speedy attention and reply to his representations.

That *Vakeels* or agents should be sent on the part of each *Zemindar* or great farmer, to attend at the *Kutcherry*, and give information when required. (This arrangement

was

was not allowed, as being too expensive to the *Zemindars*. These, however, found it necessary, and now willingly support the establishment. Its uses and abuses will be afterwards noticed).

That the *Cazees* and *Mooftees* should give in their *Sheristas* (or records of office), with a statement of their salaries, and should give a speedy attention to orders.

That the officers of the *Adawlut*, and *Foujdaree*, should be paid by him the *Nazim*.

The system of the *Foujdaree* (or native police) under the management of the *Nazim*, continued in force until 1781, when it was done away, and the present system, viz. that of making the several Judges in the districts exercise the power of Magistrates, succeeded it. They were, at first, only empowered to apprehend *Dacoits*, and other criminals,

criminals, and to send them for trial to the *Daroga* of the next *Foujdaree* Court. This, however, was not to prevent the apprehension of criminals by these *Darogas*.

Each Magistrate was required to send every month a statement of the persons apprehended, their crimes, and an account of their subsequent transmission to the *Daroga's* Court. The *Newab* was also requested to transmit monthly statements of the number of persons in confinement, of those committed and those released, with the *Futwahs* (or sentences) of the *Nazim*, passed on their cases.

A covenanted Servant of the Company was appointed to receive all such reports and statements. He was termed Criminal Recorder or Remembrancer.

This was an office of great utility, the duties of which now add to the load of busi-

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ness which oppresses the present Court of *Sudder Dewany Adawlut*.

In 1787, many of the former regulations were re-enacted, and a more full and detailed system for the guidance of the Magistrate was passed, and approved by the Governor-General in Council.

The Regulations which follow are, with very few alterations, those of the present day. The attention of the young Civilian ought therefore to be more particularly directed to them.

The jurisdiction of each Magistrate was now marked out. The oath of office to be administered, was given. Their duty was still only to apprehend criminals. They were ordered to send the *Dacoits*, and other great offenders, to the next *Foujdar*, but were permitted to hear and to determine, without reference to the *Foujdaree* Courts,

all

all complaints for petty offences, and to punish, by fifteen stripes, or fifteen days imprisonment. Under these regulations they tried petty thefts also. The words of the regulation specifying only their inability to try "all crimes subjecting the party to "higher punishments" seemed to permit of this interpretation. The power of trying petty cases of theft was afterwards given them in 1792. In cases of litigious complaint, they were also permitted to inflict punishment within the limits above mentioned, or to fine, to the amount of fifty rupees from a man of the lower ranks, or two hundred from a *Zemindar* or person of consequence.

All complaints, with the orders passed upon them, were to be recorded by the Magistrates in Persian and English, and authenticated copies were ordered to be sent monthly to the criminal Remembrancer.

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The Magistrates were not allowed to detain criminals more than two days, save when the sentence had been passed on them.

The Magistrates were ordered to inspect the jails once in each month, and pay attention to the health and cleanliness of the prisoners.

As all British subjects were amenable to the Supreme Court, the Magistrates were ordered to apprehend such as might be guilty of criminal acts, and having made a short and summary inquiry, to send them under a guard to Calcutta.

The *Darogas* of the *Foujdaree Adawluts* were declared independent of the Magistrates, and entirely under the controul of the *Naib Nazim Mohumud Rezza Khan.* These *Darogas* were ordered to furnish monthly reports of the proceedings at large,

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in each case, separating the lesser complaints, on which they themselves had passed sentence, from the weightier cases, requiring the attention of the *Nazim*, and his orders; also to send all accounts of diet and jail charges, returns of goods in the *Mal Khana* (or house for keeping stolen property), with a report of casualties, and every other necessary information.

The *Darogas* were ordered to send monthly lists to the Magistrates, of the prisoners under their charge,—the sentence passed on each,—the crimes of which they were guilty,—the deaths, escapes, removals and dismissions,—lists of the causes tried by them, and by the *Nazim*, with the *futwahs* of the latter,—and to report the number of persons under charge for trial, with separate lists of those received from the Magistrates. The forms of all these reports will be found in Mr. Colebrooke's "Digest" of the Regulations.

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It was ordered, that separate divisions should be made in the jail for prisoners under sentence and those under trial, and that separate jails should be built for the former. Estimates of these were ordered to be forwarded to the Magistrates.

The *Darogas* and other officers were ordered to be appointed by the *Naib Nazim*; they were to hold court all the year round, at least three times in the week.

The Magistrates were directed to send monthly accounts of all disbursements in their establishment, with vouchers, to the Remembrancer of the Criminal Courts.

The *Naib Nazim* was ordered to correspond with the Governor-General and the Criminal Remembrancer, on all subjects connected with his office.

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In 1790, the existing Regulations were again revised, and additional provisions made in the Criminal Department. Up to this date, the great responsibility in conducting the details of police lay with the native Magistrates, and with the *Zemindars*, subject, indeed, to a partial but insufficient check, by the Collectors, Superintendants or Judges. The insufficiency of this arrangement was now set forth, and supported by proofs of repeated instances of *Dacoity* and murder, and the following new arrangements and orders were made and passed.

The *Foujdary* Jurisdiction was now placed in the hands of the Judges, who were sworn, each as Magistrate of his district, to administer faithfully the duties connected with his office. They were commanded to apprehend all murderers, robbers, house-breakers, thieves, and other disturbers of the peace;

and

and after making the necessary inquiries, and conducting the investigation according to the forms detailed below, they were to commit them to stand trial before the Courts of Circuit, to take bail from them, or to keep them in confinement.

The form of procedure was this: The complaint being made, and oath administered to the complainant, a warrant, under seal and signature of the Magistrate, was issued for the apprehension of the person accused.

This warrant contained the offence charged against him. On his appearance he was examined without oath; after which the examinations of the complainant and witnesses were taken upon oath. All the proceedings were recorded in writing. If it appeared a groundless charge, the party was acquitted, and dismissed by the Magistrate. If proved to his satisfaction, the

criminal was held to bail, except in charges of murder, robbery, theft or house-breaking. The power of punishing smaller offences by fifteen stripes, or as many days imprisonment, was continued; also the punishment of false complaint.

Notice was ordered to be given by the Magistrates of the approach of the Courts of Circuit, and the date of their intended arrival at the station. These notices were to be sent to the villages, and there hung up. They ordered the attendance of all persons on bail, of all prosecutors, witnesses, and others required at the trials.

The Magistrates were directed to have in readiness lists of the different criminals in confinement, on bail or otherwise, with the depositions of the witnesses, prosecutors, and all other necessary papers, includcluding also all persons discharged by them.

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The prisoners in jail were now ordered to be distributed into separate classes, and separate apartments were ordered for those who were under sentence of death,—those sentenced to imprisonment by the Courts of Circuit,—those committed to take their trial before the Circuit—and those sentenced for petty offences by the Magistrates.

Some new forms for lists and returns were given.

Four Courts of Circuit were established, —three for Bengal, and one for Behar. The province of Bengal was divided into three jurisdictions, subject to these Courts; and these were called the Divisions of Calcutta, Moorshedabad, and Dacca. The Court for Behar was denominated the Court for the division of Patna. Under the Calcutta division were placed the districts of Nuddea, Beerboom, Ramghur, Burdwan, Midnapoor, the Salt districts of Tumlook,

Hedgelee, &c., the Twenty-four Pergunnahs (including Hoogly), the district of Jessore, and that part of the district of Calcutta not under the Supreme Court.

Under the Moorshedabad Circuit were placed the district of the city and *Zillah* of Moorshedabad, Bauglipore, Rajeshaye, Purnea, Dinagepoor, Rungpoor, and that part of Cooch Behar which is independent of the Rajah.

The Dacca Division included the city and *Zillah* of that name, Silhet, Dacca Jelalpore, Momensing, Tipperah and Chittagong.

The Patna Division contained the city of Patna and *Zillah* of Behar, with Shahabad, Sarun and Tirhoot.

Two Civil Servants, attended by a *Cazee* and *Mooftee*, constituted a Court of Circuit

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in each division. To each Court was attached a register, and occasionally an assisant; to all these was administered the oath of office. The *Cazees* and *Mooftees* were appointed, and only removable by the Governor-General. The appointment and removal of the *Moonshees* and other native officers was more properly given to the heads of the Court, who alone can be supposed to be acquainted with the character and conduct of their own officers.

Two general jail deliveries were appointed to be held in each year. On the first circuit, the Judges set out on the 1st of March,—the second commenced the 1st of October. The fixed residence of the Circuit Judges was to be at their respective head stations, of Calcutta, Moorshedabad, Dacca, and Patna; and there the trials of all persons for crimes committed within these cities were conducted.

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The procedure in all trials before the Court of Circuit was as follows: The charge against the prisoner was read, with his answer or confession; the evidence for the prosecution was then gone through; after which the defence of the prisoner, with such witnesses as he might call, was heard; a record was made of all proceedings; and at the foot of this record the *Cazee* and *Mooftee* gave the *futwah* or sentence of the law. This *futwah*, if consonant to natural justice and the Mohammudan Law, was approved by the Judges and sentence was passed, except where the punishment extended to perpetual imprisonment or death. In these cases, Persian and English copies of the proceedings were sent to the *Nizamut Adawlut*, and the Court of Circuit were ordered to wait their determination. The warrants of the Court of Circuit and *Nizamut Adawlut* were carried into execution by the Magistrates at their respective stations.

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In all cases of murder, that part of the Mohammudan Law, which permitted the relations of the persons slain to pardon the criminal, was dispensed with. The Judges of Circuit were ordered to visit the jails at each station, and issue such orders as they might judge proper respecting them. They were to report all instances of misconduct on the part of the Magistrates, and to submit to the *Nizamut* any propositions for the trial of prisoners, or improving the general police of the country.

In a difference of opinion, the Senior Judge had the casting vote. In sickness, or other occasional absence of one Judge, it was competent for the other to hold the Court.

The *Nizamut Adawlut* was now removed from Moorshedabad, and established in Calcutta. The Court consisted of the Governor-General and Council, assisted by the

Cazee-

Cazee-ul-Cuzat (or Head *Cazee,*) and two Head *Mooftees.*

This court exercised all the powers of the *Naib Nazim.* The law was, however, declared by the *Cazee* and *Mooftees,* and approved by the Court. An official Register was appointed to conduct the business of the Court. The oath of office was administered to the Register, and to the other officers of the Court. The doctrine of *Yoosuf* and *Mohummed,* which demanded proof of a criminal intention, was ordered to regulate the opinion of the *Mooftees* and *Cazee,* instead of that of *Aboo Huneefee,* which required proof of the employment of an instrument of blood! Wherever a case occurred in which a condemned criminal was deemed a proper object of mercy, the proceedings were ordered to be submitted to the Governor-General and Council, with a recommendation of pardon, or other mitigation of punishment.

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The Court was ordered to take cognizance of all judicial matters, and the general state of police throughout the country, thus becoming at once a Court of Appeal and Board of Police.

These are two very arduous duties, the perfect discharge of either of which would demand the individual attention of a court. The impropriety of this arrangement will be discussed hereafter.

In the Court of *Nizamut*, the form of procedure in criminal trials was this: The *Cazee-ul-Cuzat* and *Mooftees* attended three times a-week, or oftener, if required. Persian copies of the proceedings in referred trials were given to them by the Register; and they recorded, signed and sealed their opinion, confirming that of the Provincial Court, or differing from it, as might seem to them proper. These proceedings, at the next meeting of the Court, were submitted

to

to their revisal; and, after perusing the papers of the Court of Circuit, the *futwahs* of the Provincial *Cazee* or *Mooftee*, and the opinion of the *Cazee-ul-Cuzat*, and the two Head *Mooftees*, final sentence was passed on the case, and the warrant issued through the Court of Circuit to the Magistrate of the *Zillah* for execution.

In all cases where the prisoner was sentenced to lose his limbs, the sentence was ordered to be commuted for imprisonment.

In 1791, the reference to the heir of the deceased, in cases of murder, was dispensed with, and the *Nizamut Adawlut* were ordered to pass sentence of death, instead of granting to the heir the *Deeyut* or price of blood.

In 1792, the Magistrates were permitted to try and punish by thirty stripes, or one month's

month's imprisonment, all cases of petty theft.

This year it was ordered that the refusal of the relations to prosecute should no longer be considered as a bar to the prosecution, in which the court were ordered to proceed, as in cases where there was no heir. It was likewise ordered, that the religious prejudices of the witnesses should no longer be considered.

In May 1792, some alterations took place in the forms and lists required from the Magistrates, and a few additional rules were passed and forwarded to them. Up to this date, the warrants in all cases had been sent to the *Nizamut Adawlut*, with a certificate of the execution of the sentence, indorsed by the Magistrate. It was now required, that those only in capital cases should be transmitted; the rest remained in the office of the Magistrate.

In

In June 1792, a reward of ten sicca rupees was ordered to be paid on conviction of those who should apprehend a *Dacoit*. It is generally considered, that this order gave rise to the practice of *Goindugee* or *Espionage*, as a profession. The Magistrates were also ordered to pay a sum, not exceeding five rupees, to each needy convict who should be discharged after suffering six months or upwards of confinement. It would have been better, had this order included the lesser offenders. Those whom a want of the means of livelihood has tempted to commit their first crime, and who, after their short confinement of a month, will now find it doubly difficult to gain an immediate subsistance, are the fittest objects ofs uch charity.

In September 1792, an allowance of two anas a-day (about four pence) was made to all prosecutors and witnesses attending the Court of Circuit.

In

In October 1792, the impediment afforded to prosecutions for murder by the Mussulman Law, in cases of minority in the next heir, was removed; and these were ordered to be tried as cases where no heir is to be found.

In December 1792, several new regulations, for the police of the Provinces, were passed, which will be found of the greatest importance, effecting a total change in one of the principal means by which the police of the country was managed, viz. the influence of the *Zemindar*. In these regulations, the insufficiency of the clause (in the engagements of the *Zemindars*) by which they were ordered to produce the criminals and the plunder, is clearly set forth. The police was accordingly thereafter declared to be solely invested in the hands of Government and of its servants; and in their hands it now remains. The following Regula-

tions, with very few changes, describe the present forms of procedure.

All officers entertained by the *Zemindars* were ordered to be discharged. Each Magistrate was ordered to divide his district into Police Jurisdictions, each of ten square *Coss* (or twenty square miles), to be superintended by a *Daroga*, and other officers under him. Each *Daroga* was obliged to reside in a convenient place in the middle of his district; each district to be numbered and named, and no change to take place without the sanction of Government. The Magistrates were allowed to nominate and fill up vacancies among the *Darogas*, but were not allowed to remove them without the consent of the Governor-General and Council. The power of the Magistrate over his *Darogas* is, by this half measure, greatly weakened; for those whom Government will not entrust with the power of removing their

their *Darogas* are not likely to be much respected by these officers.

Persons having charges against any one for *Dacoity*, theft, or any other crime cognizable by the Criminal Courts, are allowed to prefer them, in the first instance, before the *Daroga*. The *Daroga* shall apprehend the person accused. In cases of weight, he shall send him, within twenty-four hours, to the Magistrate. In cases where the Magistrate can pass sentence, the *Daroga* shall take security for his appearance before the Magistrate on a specified day; or, failing his ability to give security, he must send him before the Magistrate within twenty-four hours. The Magistrate shall then proceed against him as if apprehended by his own order.

The *Darogas* may apprehend without a written charge, and without issuing a writ, any one found in the act of committing a

 breach

breach of the peace, or with stolen property about him. In all other cases, the charge and writ were necessary. Security is to be taken in all cases from the witnesses and prosecutor, to attend on the day specified for the attendance of the accused.

The *Darogas* are ordered to apprehend all notorious *Dacoits* or robbers harbouring in their districts, and to send to the Magistrates all vagrants. The duty of the *Darogas* in all cases not particularly provided for was only to apprehend and forward to the Magistrate. He was forbid to release except on bail, or on adjustment by the parties, and their entering a *Razeenama* (or deed of adjustment). In all lesser cases, wherein the Magistrate could pass final orders, the *Darogas* were allowed to receive these *Razeenamas*, which were to be signed by the accusing party, by the accused, and by two creditable witnesses.

All

All watchmen under the different denominations of *Paiks, Pausbans, Chokedars, Dusauds, Nigabauns* or *Harees,* are declared to be subject to the *Daroga.* He was ordered to keep a register of their names. All vacancies are to be supplied by the *Zemindars,* who are to report to the *Darogas* the deaths, and names of the persons appointed to succeed. These watchmen are ordered to apprehend all criminals detected in the act of committing a breach of the peace, likewise those against whom the hue and cry should have been raised, and all vagrants lurking about the country. In failure of this, they are to be dismissed from their office, and otherwise punished, as the law directs.

To facilitate the speedy transmission of information regarding murders, robberies, or other crimes, the *Darogas* are ordered to correspond with the Magistrates and other *Darogas,* and to transmit their letters by the

regular *Dawk* or post. When the *Dawk* office is distant, they are ordered to send their letters through the heads of villages to the first *Dawk-chokey* or police office. It is also permitted to the *Darogas*, to correspond with the adjacent Magistrates; and to these Magistrates and the neighbouring *Darogas*, they are ordered to convey immediate information of any murder or robbery.

Dorogas are authorised, with or without the warrant of the Magistrates, to pursue criminals flying from their jurisdictions with those of another *Daroga* or Magistrate; in all cases where the crime may have been committed within their own districts; but no *Daroga* is to take cognizance of crimes committed within the jurisdiction of another. On apprehending a criminal out of his own district, the *Daroga* is ordered to deliver his name, and the charge against him, to the *Daroga* in whose district he might apprehend him; and this notice is ordered

ordered to be forwarded by the last *Daroga* to the Magistrate.

The *Darogas* are allowed a commission of ten *per cent.* on all property recovered by them.

As *Dacoity* had been carried to a great extent in some of the districts, by persons possessing long narrow boats, it is therefore ordered, that all boats above the size specified by Government shall be confiscated; that the *Zemindars* in whose districts they are built should be fined, and the villages in which they are built, forfeited to Government. All carpenters, smiths, and other artificers employed in building them, are to be confined, or suffer corporal punishment. The *Darogas* are ordered to send a *Selaeehut Bohy*, or monthly report of all persons apprehended, of all thefts and other crimes committed, and of casualties within their jurisdiction.

The Magistrates are ordered to furnish the *Darogas* with a *Sunnud* or commission of office, and a Persian or Bengalee translation of the Regulations.

I have thus taken notice of the principal regulations and orders connected with the present subject, as shewing the constitution and forms of procedure in our different Courts, and the progressive improvement in Police. In the year 1793, the whole Code of Regulations was revised, a number of additions and corrections made, and the complete system in all its branches, Judicial, Revenue, and Commercial, published and translated.

It would be needless and tedious to give an abstract of these last regulations. With a very few changes, they constitute the Code by which the administration of justice is conducted at the present day; and it is, therefore, the duty of every Assistant to

make

make himself master of those requisite for the discharge of the duties of his office. To this end, he must not only peruse carefully the Regulations of 1793, but follow them through the different changes they have undergone up to the present time. In this study, he will find Mr. COLEBROOKE's "Digest" of great utility. Some alterations have, however, taken place in the constitution of the Courts, which it will be necessary to notice.

In 1801, the Court of *Sudder Dewany Adawlut* underwent a considerable change. One Head Judge (a member of Council), and two Puisne Judges, covenanted servants of the Company, but not members of Council, were then appointed to constitute the Court.

In 1805, the appointment of the Chief of the *Sudder* Court was ordered to be made from among the Civil Servants, not mem-

bers of Council. This Judge, with the two Puisne Judges, constitute the Court at the present day; but by a late regulation, the temporary appointment of additional Judges is sanctioned when the press of business demands it. Under the Judges there is a Register, with two regular Assistants, and young men from the College are occasionally sent there as an intermediate school, previous to their obtaining situations as Assistants or Registers. All the duties of the Court under its former constitution are continued. Two Judges are necessary to form a Court in civil matters; and, in a difference of opinion, the case lies over till a third attend; but every Judge, if specially delegated by the Court, may receive petitions, and pass orders upon them, and also take depositions in open Court. All decrees are to be signed by the Judges present, when they are passed.

In

In 1803, the *Sudder Dewany Adawlut* was invested with jurisdiction over the provinces ceded by the *Nuwab Visier.*

The Court of *Nizamut Sudder Adawlut,* of course, underwent the same changes, being always held by the same persons. For the dispatch of business, two additional Judges have lately been appointed to assist in this Court.

The Courts of Appeal and Circuit now consist of three, instead of two Judges. In appealed cases, two Judges are necessary to form a Court; but one Judge only proceeds on the Circuit.

The *Zillah* Courts are now held by one person, in the capacity of Judge and Magistrate of the district. The duty of Collector in each district is separately performed by a covenanted servant of the Company. Under the Magistrate there is a Register, and

frequently

frequently one or more assistants. The very great press of business in many of the *Zillahs*, both in the Civil and Criminal Departments, has suggested the new appointment of Assistant Judges and Magistrates. These possess the same powers with the Judges and Magistrates, subject, however, to their authority. The appointment is one of high responsibility, and has, of late, proved of great utility to the country.

The society at a Civil Station in Bengal, generally consists of the Judge, the Collector, the Assistant Judge, the Surgeon, Register, and Assistants to the Judge and the Collector.

The officers of a *Zillah* Court are known by different appellations in different *Zillahs*. Their number also differs, but the general constitution of a *Zillah Dewany* Court is this :

The

The Judge, The Assistant Judge, The Register, The Assistant,	Covenanted Servants of the Company.

The Writer, a native or Portuguese.

A *Sheristadar*, or Head Officer.

A *Mohafiz Sherista*, or Record Keeper.

A *Paishkar*, or Deputy *Sheristadar*.

Several *Moonshees*, who in different *Zillahs* go by the different names of *Rooba kavy novees* (proceeding writer), *Zubanbundy novees* (or deposition writer), *Chittee novees* (or summon writer), *Bengala novees* (or Bengalee writer), *Missel khoond* (or proceeding reader), and many other appellations.

A *Nazir* or Sheriff.

His *Naib* or Deputy.

The

The *Nazir's Mirda*, or head of the *Peons* or messengers; an establishment of from twenty to forty runners, called *Chuprassies*, who wear a badge. Also an establishment of *Peons* or runners without a badge of office.

A Jailor and his Deputy, called *Jail Khana Daroga.*

A Doctor and his Mate, called *Tubeeb*, more generally *Dakter.*

In the *Foujdary* Court, the establishment is nearly the same, but held by distinct officers, no one being allowed to hold a situation in both Courts, although at times the press of business requires the assistance of Civil Officers in the Criminal Department. To the Criminal Establishment is added a *Tazeanah* or *Corah Burdar*, for the infliction of punishment; a *Jellaud* or executioner,

executioner, and occasionally some additional *Peons*.

The establishment at the *Thannah* or watch-house of a Police *Daroga*, consists of the *Daroga*, his *Jemmadar* or head Assistant, and a *Bukhsee*, literally signifying a treasurer or paymaster, but which is indiscriminately used in our Courts to denominate those who write out lists of witnesses, accounts of their diet, &c. He generally conducts the Bengalee writing at a *Thannah*. A *Bukshee* is also allowed to the *Nazir* of each Court, for the purpose of keeping lists of the witnesses in attendance, accounts of stolen property, &c. Under each *Daroga* is placed a body of men armed in the Hindostanee fashion, and who act as his runners. The other descriptions of persons made use of by him in conducting the police, have been mentioned in another place.

There

There is a great want, all over the country, of appropriate houses for the *Thannahs* of the *Daroga*. They are huts of the most common kind, subject to fire, and to being broken open. Escapes from them are common, and whenever it is convenient for the *Daroga*, we hear of a fire at the *Thannah*, by which his papers are consumed, and the stolen property, arms, &c. are lost in the confusion. The expense of having them all built with brick and mortar would be trifling, and much knavery would by this means be prevented.

For a more particular detail of these matters, the reader is referred to Mr. COLEBROOKE's "Digest," and Mr. HARRINGTON's "Analysis of the Regulations."

I shall close this Chapter with a few observations on those essential differences which necessarily exist, and which must ever exist, between the principles of Indian and

and English Jurisprudence; and these observations I shall endeavour to abridge and condense within a few general heads, leaving the particular details and arguments which might be given under each head, to be treated afterwards. This is the more necessary in the present stage of this Essay; because hereafter, details of our Indian practice will be given which will be utterly unintelligible, or at best furnish a subject of derision to the English lawyer. Let him, before he turns this system into ridicule, reflect, that for a long period of years, it has, when effectually administered, insured the comparative happiness and security of sixty millions of men, and that, duly enforced, and with a few alterations, it will render the police of India an object of admiration to those who think coolly on the subject.

The present is, in the first place, a system of summary justice, fettered by very few of

those minute, difficult, and, at times, hurtful forms of law practice, which are so rigidly observed in England. "Happy the nation," says Beccaria, "where the knowledge of "law is not a science. Nothing is want-"ing (with us in India) save plain and "ordinary good sense,—a less fallacious "guide than the knowledge of a Judge "accustomed to find guilty, and to reduce "all things to an artificial system borrow-"ed from his own studies."

Our courts are courts of Equity, not of Law. Our Judges and Magistrates are one. The Judges often meet with cases for whch the law has not yet provided. It is not so in England; for there the law has nearly arrived at perfection, whereas in India it is in its infancy.

The laws in England can alone determine the punishment of crimes; and no Magistrate can, with justice, inflict any other

punishment

punishment than that which is ordained by law.

In India, the laws do often lay down the extent of the punishment; but much is yet left in the hands of the Magistrate, and yet more in the hands of the Judges of Circuit, who increase or diminish the punishment according to circumstances. An Indian Magistrate, if he did not often take upon him to infringe the regulations, would be laughed at by the natives. Government most wisely connive at these things; because they know, that an Indian Magistrate cannnot abuse this power.

The laws are supposed in England, and in most civilized countries, "to receive "their force and authority from an oath of "fidelity, either tacit or expressed, which "living subjects have sworn to their So-"vereign."

 In

In India, the natives obey from fear and dread; they are aware of, and acknowledge no such compact of society. Their government has been always most despotic, and must not suddenly be changed in its every principle.

The common opinion "that the spirit of "the laws must be considered," and which is not allowed of in England, is, in India, the ruling maxim with a Judge. This must be the case, where the letter of the law is so very imperfect as with us in India.

The principal differences between the two systems, and consequently the principal obstacles which will prevent the introduction of an English Code, will be found in,

1*st*, The extent of our Indian possessions, and consequent extent of the jurisdiction of the Court of the Judge and Magistrate.

Over

Over the happiness of thirty millions of people preside forty-two Magistrates. The jurisdiction of each extends, on an average, to more than thirty miles round the place where he is situated.

2dly, Press of business in the two capacities of Judge and Magistrate. Allow that each Judge has the reports from twelve *Thannahs* or jurisdictions of police *Darogas* (this is a small average for a Bengal Judge); allow that each *Thannah* sends him in six cases of delinquency, and six prisoners each day, with twelve witnesses and six prosecutors: the examination of the papers, and the first, and by far the most difficult orders, must employ his morning hours. The trials of criminal cases depending, or of old standing, fill up the day; and he retires, at a late hour, to his dinner. Many a Judge and Magistrate is forced again to apply to business after dinner, and to a late hour, leaving

 only

only a few hours for that rest, which alone keeps him alive in such a climate.

In the quietest *Zillahs* of Bengal, there is work enough to employ a Magistrate all day. In troublesome *Zillahs*, there is generally enough for six Magistrates. For the truth of this observation, I appeal to the general arrears of business.

In the Civil Court of the last district in which I served (the Twenty-four Pergunnahs), I left seventeen hundred causes depending on my own file. Government have never, I humbly trust, had occasion to accuse me of indolence; and that Court had nearly proved my grave.

3*dly*, There exists an essential difference in the manner, habits and religion of the two nations. Of this I shall here only mention one instance; for one great object of this Essay is lost, if I shall not succeed in shewing

ing that a wide difference exists. The instance I allude to, is the total disregard to truth among the Indians. Is this found in England? Is it found in Europe? Is it not of itself sufficient to subvert any system of jurisprudence, founded, as that of England is, on the implicit regard paid to the testimony of witnesses?

4thly, It is difficult, in England, to commit a crime in a place which shall be distant above a mile or two from the residence of a Magistrate, and within so narrow a compass the name of a Magistrate is revered; he becomes an object of terror. In India, a criminal may commit an offence at thirty, forty, or fifty miles distance from the residence of the Magistrate; he may, through the corruption of his officers remain concealed, and may laugh at the Magistrate.

5thly, The horrid corruption of all the natives employed under a Magistrate, forms,

 of

of itself, a material difference. It is a glorious reflection to think, that, in England, a corrupt officer cannot escape remark and detection; but corruption, in India, among natives, is common, unheeded, and undetected.

6*thly*, Let the imperfect nature, and the general ignorance of a new, and to the natives, a most uncommon code of laws, be considered. India is, perhaps, the only country where we still find the "*jus vagum* "*et incognitum*," but where it has not its consequence in a "*misera servitus*."

7*thly*, We must also make allowance for the want of a regular legal education in the Servants of the Company.

8*thly*, Let us reflect on the extreme difference between the accused and his Judge in England, and the accused and his Judge in India.

In

In India we have no parties, no politics; the condemnation or acquittal of a poor native cannot affect the Judge or Magistrate. We cannot be related to the accused; and allowing even that the Judge is corrupt, it is not among wretched prisoners that one would look for bribes. Not in one instance out of a thousand, can any evil result from an arbitrary and even despotic power being vested in an Indian Magistrate. But who would be an advocate for such an order of things in England?

9thly, There would always be found a want of a sufficient number of Company's Servants to conduct the business of the Courts, under all the formal restraints of an English court of law; but, were the number of judicial servants increased, the salaries of the present number must be diminished, and then, and then only, may we look forward to rapacity and corruption,

such

such as, without a doubt, did once exist in India, but which has long been unknown.

In a word, summary justice, and courts of equity, with a very few forms, are all that the natives have ever been accustomed to, all which, in their present condition, they want, and which alone will have the desired effect.

CHAP. III.

CHAP. III.

ON THE CAUSES OF DELINQUENCY IN INDIA.—DIVISION OF THE CAUSES.—FIRST CAUSE, THE GENERAL DEPRAVITY OF THE BRAHMINS, AND OF THE LOWER ORDERS, AND THE TOTAL WANT OF RELIGIOUS AND MORAL PRINCIPLE. CHARACTER OF THE HINDOO AND MUSSULMAN POPULATION.

HAVING, in the preceding Chapter, endeavoured to convey to the reader the information which I conceived necessary regarding the country and its inhabitants, I shall now proceed with the more immediate object of this Essay, to detail the causes which have operated, and still continue to operate, in

in giving rise to robbery, theft, and to many other species of delinquency in our Indian dominions.

In enumerating these causes, I had at first intended to give them in the order of their magnitude and power; but in attempting the formation of this scale, I found it very difficult to decide to which of the greater causes I ought to give the preference: and as the preservation of this order did not appear to me of any particular moment, I gave up the idea, satisfied with the following arrangement.

In Bengal particularly, and in most parts of India, the following causes accounting for the prevalence of crimes, will be found to exist.

1. A general depravity of manners, and a want of all religious and moral principle

among the Brahmins and the lower orders of the natives.

2. The poverty of the lower orders, from the oppression of the *Zemindary* System, and more particularly from the subdivision of landed property, under the *Ijarardar*, *Kotkinadar*, and *Durcotkinadars*, (peculiar forms of Indian lease, to be afterwards fully explained).

3. The want of a superintending Board of Police.

4. The insufficiency of the punishment attached to the crime of receiving stolen property.

5. The suffering of felons, and others who may have escaped from the jail, or who may have been proclaimed or summoned on former trials, to remain at large in the different *Zillahs*. These men, from necessity, if not from

from choice, must live by *Dacoity* and theft, as they are under perpetual fear of discovery, and cannot therefore obtain an honest livelihood in any profession.

6. The want of employment for discharged convicts, commonly called among the natives *Daghees* or marked persons.

7. Evils of the *Mahajuny** System in some parts of the country.

8. Resumption of the lands of *Pykes*, *Chokedars*, and other watchmen; the bad footing on which this establishment is placed, and the well known connivance of watchmen with criminals.

9. The

* This system will be presently explained.

9. The want of a fund for rewards on the apprehension of criminals.

10. Want of a general, though restricted system of *Espionage* or *Goindugee*.

11. Facility of acquittal, in the first instance, before the Magistrates, but more particularly before the Courts of Circuit; by procuring false evidence, which the small punishment attached to perjury, the difficulty of its proof, and the total disregard to truth, render easy; and by making good use of the long time which elapses between their commitment and trial, and by taking advantage of the niceties of the Mussulman Law, and the notorious corruption of the Mussulman *Moluvees*.

12. Defective management of our jails, where, instead of improvement and correction, the offenders meet with encourage-

ment,

ment, and the best of instruction in every kind of vice from experienced teachers.

13. The hope of escaping detection altogether, from the defects of the Police System,—the carelessness of the Magistrates,—the corruption of the *Darogas*, and of the other officers of the Courts of Justice.

14. The existence of drinking shops.

15. The press of civil business, which in most *Zillahs* ties the hands of the Magistrate, and the too minute attention to forms of business, and the details of office.

16. The indefensible nature of the native houses.

To these, many lesser causes, and many occasional and temporary ones, might be added: these I have not thought necessary to

to enumerate separately, they will be attended to in treating of the others.

FIRST CAUSE.—*Depravity of Manners, &c.*

There exists a general depravity of manners among the *Brahmins*, and among the lower orders a total want of religious and moral principle.

We have so long been accustomed to hear of the "*mild,*" the "*innocent,*" and the "*injured*" Hindoo; and particularly of late so much pains has been taken to make us respect the character of this nation, that the above position will by many be esteemed untenable; and it will be asserted, that a court of justice is not the place in which to seek the character of a nation. I hope, however,

however, to be able to prove from other sources of information, as well as from the last mentioned, that those are grossly deceived who have ascribed so exalted a character to the natives of India. Nor is a court of justice a source of information to be rejected: on the contrary, I do not know of many other sources from which so much of the general habits and manners of the natives is to be learned. I do not mean by this, that we are to form ideas of *general* depravity from the *particular* examples of criminality which come before us; but that in so large an assembly of people, and in the common course of business, we have more opportunities of seeing the native character, and under a greater variety of circumstances, tending to develope that character, than are usually presented to us from any other quarter.

We have there an opportunity of observing the virtuous as well as the vicious in the

the community. The criminal whose trial is going on is not the only object of our attention. We behold the conduct of the prosecutor and of the witnesses. And more particularly in our Civil Courts, we become acquainted even with the internal management of their families; we trace the existence or deficiency of natural affection for each other; we see the want of religious principle, in their disregard to truth. In short, there are very few situations in which a native can be placed, with which we do not become acquainted in the course of our practice in the courts.

We ought, however, to be on our guard, lest the daily instances of violence, fraud, and iniquity which come before us, should induce us to form a censorious and distrustful opinion of the natives upon insufficient grounds. Such conduct would be attended with much evil. Instead of being influenced by the humane maxim of English law, by

which every one is esteemed innocent until found guilty, we should by these means esteem every one guilty till found innocent, acting under a continual prejudice, which would induce us to reject all evidence tending to change the opinion which we had formerly adopted.

The chief cause of depravity in the Bengalee character is to be found in the nature of their religion.

Among all nations there has been found some species of belief in a Supreme Power, to appease whose wrath, or to conciliate whose favour, is the first and most earnest wish of the human mind, even in its rudest condition. These high and peculiar duties have likewise, in all nations, been devolved on a set of men, whose superior purity or wisdom has at first (however they may have afterwards in some countries degenerated), entitled them to be the expounders of the word of the Deity. This

This order of the Priesthood must possess, therefore, a very high influence in every society; and when these have once obtained the ascendancy in spiritual matters, their ambitious desire of power, finding no other field for exertion, will generally be found to break out in an interference in temporal concerns. These observations, however common, are more particularly applicable to the case of the Hindoos. By the perusal of their *Shasters* we are immediately impressed with the idea that they are the work of a most ingenious and skilful assembly of Philosophers, whose aim was not to enlighten, but to enslave mankind; and this subjection they have effected in a manner scarcely credible, unless by those who have been accustomed to trace the effects of their religion on the character, and the minutest actions of the natives.

Although the pomp and splendour which attended the Hindoo Princes might induce us to suppose that their power was despotic, we shall yet find, that this power was subservient at all times to the will of the *Brahmins.* Innumerable must have been the evils attending such a government, where, in every village, and almost in every house, there existed a despotic ruler, amenable to no law (for, in the hand of the *Brahmins* lay the exposition of the law), living without fear of God, to whom his own *Shasters* tell him he is equal, and without respect for the King, to whom they tell him he is superior.

By following the example of their Priests, the lower orders are what we now see them; and as the *Brahmins* have progressively advanced in wickedness, so have the others kept pace with them.

The

The Hindoos divide their History into four *Joags* or Ages; and their *Shasters* assert, that these *Joags* shew a progressive advancement in vice. In the *Suttyee Joag* (or Golden Age) all was purity. The life of man was passed in the worship of God, and in universal benevolence. After this came the *Trita Joag*, when sin was introduced into the world, in the proportion of one to four. To this succeeded the *Dwapera Joag*, when the mass of sin was as two to four on the earth. To the *Dwapera* succeeded the *Kalee Joag*, or the present age. In this age, which is thus described in the *Shasters*, all is sin. "The signs of the *Kalee Joag* are
"sorrow, wretchedness, and disease. The
"people will be proud, vile, injurious to fa-
"ther and mother; the *Brahmins* will be
"without knowledge of the *Vedas*, and will
"communicate them to others. They will
"serve *Soodders*, will sell animal food, and
"forsake all religion. In this *Joag* men
"will regard nothing but women, and the

"pleasures of the table. The mixture of "Casts will commence, and men will be- "come entirely sinful; they will associate "only with the low, and live among perpe- "tual quarrels. The rich *Brahmins* alone "will be honoured, and will be called *Koo- "lins.* The *Brahmins* who lend rice to re- "ceive in kind will be honoured. Men "will abuse their religious teachers and "*Gooroos,* and will be constantly disposed "to receive gifts. They will be thieves "and gluttons. The rich will consider "themselves, and be esteemed by others, "as Holy Persons. For merely wearing "the *Poita,* men will consider themselves, "and be considered by others, as *Brahmins.* "The women will become universally cor- "rupt. The *Brahmins* will become ser- "vants to the *Sooddérs,* and will eat their "food with the lower casts. Men will eat "flesh and fish, and drink spirits. They "will abuse *Krishnu* and the Gods; and "only the name of the Gods shall remain."

There

There could not possibly be a more perfect description of the manners of the present day than this contains. Of the deference paid to the *Brahmins* in former times, and which is almost the only feature that remains of their religion, it will be necessary to give some account. The sentences in inverted commas are translations or extracts from the *Shaster*, as published by Mr. Ward, Mr. Colebrooke, and others. Their authenticity cannot be called in question.

" His own power, which depends on " himself alone, is greater than the Royal " Power, which depends on other men.

" The *Brahmin* who shall retain in his " memory the *Rig Vedas*, shall obtain sal" vation and bliss, even if he shall have " slain three worlds !"

It

It is allowed to a *Brahmin* to curse even the Gods; but the *Shasters* say he must curse them properly, meaning according to a set form.*

Stealing from a *Brahmin* is, according to the *Shasters*, an unpardonable offence; but stealing from the *Soodder*, especially if the offender be a *Brahmin*, is a very small crime.

If a person weep for another, who has been killed by a *Brahmin*, the wretched offender, whose only crime it was to follow the dictates of nature, must perform a penance.

To

* The exact meaning of this I do not understand, not being aware of any religion which contains forms for cursing; unless, indeed, we are to believe the humorous STERNE, who, in the curse of St. ERNULPHUS, gives us an elegant specimen of this science.

To preserve the life of a *Brahmin*, lying is commendable; and the influence of this last maxim is widely felt in our Courts of Justice.

The Courts of Justice were in former times required to take cognizance of religious matters, and the breach of the doctrines of the *Brahmins*; and the punishments were most severe, as may well be imagined, where the interpreters of the law were the parties injured. The legislative and executive powers were then in a manner one, and the evils attending such an arrangement are sufficiently known.

"If a man (once born) abuse or treat
"with contumely a *Brahmin*, or presume
"to instruct him, let burning oil be poured
"into his mouth and ears, or a red-hot iron,
"ten fingers long, be thrust down his
"throat." Thus speaks the divine law-giver, the humane Menu!

The

The *Brahmins* have provided very sufficiently for the gratification of their own passions. The word of God, as interpreted by them, permits their marrying, without inculcating the necessity of any provision being made for the honoured objects of their choice. In many instances, in a few months, or even days, he abandons his wife altogether. Hence the frequent occurrence of intrigue among the *Brahminee* women, most commonly with their own relations, and even with the lower orders and casts. Hence also the horrid crimes arising from such connexions.

How often do we see the father murder his daughter, on discovering the intrigue, or the daughter murder the child! Such intrigues are only disgraceful when the story becomes public; and as the publicity throws a stigma on the whole family, any member, by getting rid of the obnoxious person,

thinks

thinks he does a meritorious action. Thus one murder is not always sufficient.

From these causes one thousand children are supposed by Mr. Ward to be murdered in Bengal in the period of one month! And although he very properly expresses his belief that the number is exaggerated, yet there is every reason to believe, that the crime is very frequent. The strongest reason is to be found in a number of cases, which, notwithstanding the great exertions of the natives to conceal them, are tried in the Native Courts: and we may be certain that every exertion is made to effect such concealment, where, from the nature of their prejudices, the wholly family suffers by the discovery.

A *Brahmin* cannot, by the Hindoo Law, suffer death. If he steals a *Soodder*, say the *Shasters*, he is fined; if a *Soodder* steal a *Brahmin, he is to be burnt to death!*

Another

Another mild punishment for the person who should even abuse a *Brahmin*, was spitting him, and roasting him to death!

The *Brahmins* love feasting and jollity; and as they at first had no profession, it was necessary that others should entertain them. We accordingly find, that feasting the *Brahmins* is universally inculcated; and it becomes not only a meritorious service, but an expiation for sins.

The respect which a Hindoo formerly had for his *Gooroo* or *Brahmin* Priest, and of which much still remains, is very astonishing, considering the general character of these priests. The laws of the *Tuntra Shasters*, which, as inculcating a less rigid and austere doctrine, and pointing out an easier way to heaven, have, of late, come very much into fashion, are but a new branch of the old tree of superstitious idolatry of the Priests. Here the *Gooroo* is all-power-

ful;

ful; and it is sufficient to have paid for the receipt of a certain *munter* or form of words, to insure the possession of present and future happiness; present happiness, too, according to his own will and inclination. All his sins are expiated by the repetition of this *munter*.

In these last-mentioned *Shasters*, there are *munters* for all professions,—all situations,—and all actions; and, strange to relate, there are *munters* for thieves, burglars, and robbers, with forms of invocation to the Deities for success in their schemes of plunder, as well as consecrations of their various weapons. In Mr. Ward's account of the worship of the goddess Kali (the Goddess of Thieves) will be found the form of address to the *Sindkattee* or instrument with which the thieves bore through the wall of a house; he also gives the form of worship which the thieves observe previous to their committing a burglary or other theft. They are

are even said on some occasions to vow that they will offer up human sacrifices, in the persons of those whom they murder in their depredations. These *poojas* or religious ceremonies, serve a double purpose, in giving courage and confidence to the gangs, and in affording them the means of setting up an *alibi*, in the event of their being taken.* These *Tuntra Shasters*, as themselves declare, were sent down by the Gods, in compassion to the weakness of mankind. The *Vedas* and *Purannas* (say the

* In a case lately tried in *Zillah Kishnagur*, more than one half of the gang set up a defence of this kind. Some of them had had a *poojah* in their own houses. The head of the gang proved, by respectable witnesses, that he was present from eight in the evening till twelve, at a *poojah* in the house of a *Brahmin*. These witnesses also said, that they had again seen him when the *poojah* broke up at two in the morning. Between the hours of twelve and two, he was seen by no one. The *poojahs* in the houses of the other men were proved to have ceased at

the *Tuntra Shasters)*, inculcated doctrines too rigid and severe, and it was necessary that an easier path should be laid open, by which men might go to heaven.

The principal doctrine in these *Shasters* is, that a confidence and reliance on the spiritual teacher or *Gooroo*, and on the *munter* which he gives, will purify from all sin, and give the observer a place in heaven. If the

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at twelve o'clock; and the witnesses to the robbery and murder deposed, that it took place about one in the morning. In this trial many respectable *Brahmins* were summoned by the gang to give evidence in support of their *alibi*. This may shew with what skill the plans of these gangs are laid. The head of the gang, who was well known, but yet suffered to remain unmolested among such a crowd, in order that he might attract attention, and procure witnesses for his *alibi*, distributed a considerable sum of money among the singers and dancers, and sat in the front of the crowd.

the *Gooroo* lives in the village, his disciples must visit him twice a-day: If at two or three miles distance, then once a-day is sufficient. When he meets him on the road, he must bow down to him; and when the *Gooroo*, impelled by the pure spirit of benevolence, pays his disciple a visit, he must wash his feet, and drink the water; but, above all, he must send him away *loaded with gifts.*

"Sic itur ad astra."

A more simple way to heaven will be found in very few systems of religion. If the *Gooroos* set an example of depravity, what then must be the condition of their followers? for most implicitly must they be followed.*

The

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* The following story, shewing the devoted attachment of a disciple for his *Gooroo*, is somewhat abridged from Mr. Ward's Book. "In the year 1804, a *Brahmin*

The above remarks which I have made on the influence of the *Brahmins*, are, I

Q 2 trust,

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min of Calcutta was carried down to die at the river side. One of his disciples, a *Khaisth*, went to see him. On asking the dying man, if there was any thing he could do for him, he replied, that he wished for a lack of rupees (or £12,000). The disciple said he could not give so much; on which the *Gooroo* asked half a lack, which was immediately granted. And he was asked if there was any thing else he wished for? Looking at a pair of gold rings or *bangles*, which the disciple's son had on his wrists, the *Gooroo* said, That *he* himself did not want for any thing; but that one of his sons wanted a pair of gold *bangles*. The disciple made his son take them off and give them. These were worth about 500 rupees. The *Gooroo* was again asked what he wished for? He said, That his son was anxious to have a piece of land in Calcutta. This piece of land, in value 20,000 rupees, was also granted; and still the disciple continued to ask, in what way he could please him? After making a request of 5000 rupees (to pay his funeral obsequies), and having this granted, he died." The *Shasters*, of which this *Gooroo* was the teacher, ordain, that "he is accursed who receives gifts on the Banks of the Ganges!!" but, in their lives, they are rapacious, greedy, and avaricious, and he shewed the ruling passion even in death.

"*Crescit amor nummi, quantum ipsa pecunia crescit.*"

trust, sufficient to confirm those who have not had the experience which every Judicial Servant of the Company must have, in the belief that the *Brahmins* have every thing in their power. It will now be necessary, therefore, to take a view of the doctrine of religion and morality which these *Brahmins* teach and enforce by their example, and of the native character which these doctrines have formed.

By the division into Casts, by the strict prohibitions against reading the sacred books, extending to all orders except their own, and by the little encouragement given by the *Brahmins* to learning of any description, they have for ages continued to keep the multitude in the greatest ignorance and superstition, and by these means they have reduced their minds to such a situation as to be easily worked upon in any way they might choose. They well knew, that if learning were encouraged, in the natural order of things, some daring genius

nius would arise among the lower classes, who would unfold to his fellow creatures the nature of the *Shasters*, and drawing aside the veil of mystery, would shew (what, to be "detested, need only to be seen") a system contrived for their eternal subjugation. We accordingly find, that the *Brahmin* is forbid by his *Shasters*, to teach his doctrines to the lower orders; and these last are thus kept in ignorance of the first principles of their religion.

The *Brahmins* have, however, communicated to them enough to secure themselves a livelihood, and the honour and respect of all ranks as the Priests of God. They have encouraged a belief in the efficacy of a most expensive idolatry, in which themselves are the only gainers. They have taught the natives, that by *poojahs* or religious ceremonies to the Gods, (in other words, to the *Brahmins*), by the performance of expensive penances, and the endowment of re-

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ligious establishments, by implicit belief in the orders which they may give, and by reliance on their incantations, *munters*, and other ceremonies, their salvation is alone to be obtained.

The religion they teach to the natives is a religion of outward forms, and nothing more. The religious doctrines in which they themselves believe, may, indeed, be pure; but what good do they to the mass of the people? God, they say, is to be approached and worshipped, not "in spirit "and in truth," but "in the blood of oxen, "of goats, and of rams;" and we may justly add, that through the bellies of the *Brahmins* must the poor Hindoo wade to salvation. At every religious ceremony, as many of these Priests must be feasted as are to be found in the neighbourhood; and, in collecting money for this purpose, should the poor Hindoo reduce his own family to starvation, or be induced to commit theft,

he

he is sure of being rewarded for it hereafter. It cannot be expected, that in this essay the writer should give any thing like a full account of the evil doctrines contained in the *Shasters*; but it will be sufficient, in describing the native character, to take notice of those passages which have struck him as being particularly injurious in their tendency.

The doctrine of the *Boudhu* Sect is, that nothing invisible exists; that therefore there is no God; that every thing arises from chance; and that there is no future state of rewards and punishments. This sect, however, is not numerous; and the belief in a God is general over India.

The belief in Predestination, among the Hindoos, is universal, and every action however bad, is unavoidable. This, it will easily be seen, is an excellent refuge for the criminal. It is the belief of the Hindoos,

that on the sixth day after the birth of a child, the God *Vidhata* comes to the house, and writes on the forehead of the child his whole fate. All his future actions are therefore ascribed to *Vidhata*: Hence their frequent expression, "*Vidhata* wrote "it, how should it be otherwise?"

It is thus the fate of the thief to steal, and of the murderer to commit murder; and the great indifference with which a Hindoo goes to execution, as well as the little repentance he shews even at the foot of the gallows, may be ascribed to the influence of his belief in predestination. In one of the *Shasters* it is mentioned, that the punishment of death for a crime purifies the criminal from all sin. I do not know whether this doctrine is generally known among the Hindoos; from their conduct, however, at the place of execution, I should be induced to believe that they are supported by this doctrine, and by their belief in predestination.

"No

"No divine, no moralist, no man of com-
"mon sense, ever can suppose true repentance to begin, until the criminal supposes he has done something he ought not to have done, or neglected something he ought to have done,—a sentiment which would not only be absurd but impossible, if the criminal believed from internal feeling, that what he had done could not have been prevented."*

Under sentence of death, one would really imagine, that there existed a difference in the nature and constitution of mind of the Hindoo. Repentance they seldom if ever shew, and they do not seem even to feel grief on leaving the world.† Their only wish

* Beattie's Essay on Truth.

† On the night previous to the execution of a notorious gang of *Dacoits* in *Zillah Kishnagur*, in 1810, I went into the condemned hold, to see and speak to them. I found them employed in smoking their *hookahs*, and telling

wish is, that they may be revenged on those who may have been the means of their apprehension; and we have frequent instances of their giving in accusations against innocent persons, calling them receivers of stolen property, or accomplices in their guilt. Thus, we often see them going into the other world with a deliberate lie in their mouths.*

If

ling stories. In passing the *hookah,* one of the gang, who was a Mussulman, refused to receive it from the *Sirdar* or head of the gang, who was a Hindoo; on which the Hindoo abused him, and laughing, asked him, what would be his cast next day, and whether they would not all meet in *Jehunnampore* (meaning hell)? The Mussulman then took the *hookah.* They all entreated me to beg of the Judge that they might have kids, fowls, and other things allowed them next day, in order that they might have one good dinner. The following day, on going to the gallows, they were with difficulty prevented from singing indecent songs, and clapping their hands, which they had begun to do.

* At Nattore, in 1808, two *Dacoits* being called up to

receive

If a person commit a sin in secret, by which he becomes an *Oopopaturæ*, or even a *Mohapatuka* (terms denoting a greater or lesser degree of guilt, and which might therefore embrace all crimes whatsoever), he has only to repeat the *munter* several times. Thus secret guilt is encouraged, and cunning in concealment becomes a virtue, as it removes the guilt of the action. What wonder, then, if the Hindoo youth are edu-

cated

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receive sentence of death, were asked if they had any thing to confess. With much appearance of repentance and grief they told the Magistrate, that two of their receivers lived in a certain village, and that stolen property would be found in their houses. These men went to the other world, fully satisfied in having thus taken revenge on two innocent men; for the two whom they had named were immediately apprehended, and, on account of the press of business, they remained for some time in jail previous to their examination. It was then discovered, that they were guilty of no other crime than that of having been the chief instruments in the apprehension of the two robbers, who had employed others to put stolen property into their houses.

cated in the Spartan principle, "That theft "is only a crime when discovered."

It has been before remarked, that lying is permitted in certain cases. These, I believe, in the *Shasters*, are originally restricted to a few,—to save the life of a *Brahmin*,—to appease an angry wife,—to prevent the loss of a man's whole property,—and to remove scruples in amorous pursuits. The number of cases in which they may now tell lies is considerably increased, I should suppose; as the number in which they do tell lies is unlimited.

A *Brahmin*, when in want, or wishing to make offerings to the gods, may steal.

The influence of female society on the morals of all nations has been acknowledged to be very beneficial; but, as if to deprive the natives of every means of improvement, the *Shasters* teach them to despise their

women,

women, and to keep them in a state of continued subjection and degradation. To this cause may be ascribed much of the criminality which we find among all ranks.

" Women," says Munnoo, " love their " beds, their seats, their ornaments ; they " have impure appetites, they love wrath, " they shew weak flexibility and bad con- " duct. Day and night women must be " kept in subjection."

The doctrine of the Koran is the same, saving that it is more severe. Mahommed was asked if the advice of women was to be taken on any account. " Certainly," replied the Prophet, " ask their advice ; and ha- " ving got it, act in direct opposition to it." Thus situated, what inducement have the women of India to excel in any thing good? Surely none. Consequently we find that they excel in every thing that is bad.

Suicide

Suicide is allowed by the *Shasters* in the case of Hindoo widows, of devotees renouncing their lives on the Ganges; and I should think, by the following striking passage, this permission might be very widely extended. "A mansion, with bones for its rafters and beams, with nerves for its cords, with muscles and blood for mortar, with skin for its outward covering, filled with no sweet perfume, but loaded with fæces and urine: A mansion, infested with sickness and sorrow, the seat of malady, haunted with the quality of darkness, incapable of standing long; such a mansion of the vital soul, let its occupier always cheerfully quit." Among women, and sick or old persons, this crime is very frequent.

As there is nothing in the climate or disposition of the natives which can account for the frequency of suicide, we can only attribute it to the influence of such doctrines

as the above. The *Bengalee* is generally of a cheerful and equal temper of mind.

But of all the doctrines contained in the *Shasters*, that is the most dangerous, which insists on an implicit belief in the efficacy of the absolutions which are to be obtained in this world, whether by slavish servility and submission to the *Brahmins*, by the repetition of *munters* and similar incantations, by immersion in the holy Ganges, or by the performance of penances and pilgrimages. For, as the advantages attending crimes are generally great, and the temptation to commit them consequently strong in proportion, it is evident, that if all the fear of future punishments be removed by an intermediate absolution, at all times easily obtained, no check whatever will be found sufficiently strong to restrain the wicked.

"Tolle periculum
"Jam vaga prosiliet frenis natura remotis."

"He

"He that bathes in the Ganges," say the *Shasters*, "is purified from all sin."* This is a happy doctrine, extending its influence to all the natives of India. For it is said, that

* A certain learned *Brahmin* lived in adulterous connexion with a Mussulman woman! but washed away his sins every morning in the pure and holy Ganges. Each morning he perceived a woman, who washed a piece of dirty cloth till it became quite pure. He asked her the reason of this, but for two mornings the woman made him no answer. On the third, she said her name was *Sundhya*, that she was his guardian deity; that through his sin she was forced to undergo this drudgery; but though in the night, by his criminal amours, he became as black as the dirty cloth, yet through her favour he was made perfectly clean.

On this story Mr. Ward has the following just observation. The emphatic words of scripture are, "Let the wicked forsake his way, and let him return unto the Lord, and he will have mercy." But the Hindoos are taught that it is unnecessary to "forsake "their wicked way, or return to God," for sin may be pardoned and washed away while the sinner is going on in his trespasses.

that he who calls on Gunga receives absolution, even at 8000 miles distance.

The *Shasters* encourage the belief, that there is no crime which may not be atoned by pilgrimage to a holy shrine, or by some other penance.

After a life passed in the practice of every kind of concealed fraud, in the most gross corruption and venality, the *Baboo* or *Dewan* of the European, the *Sirkar*, and the various *Aumilah* of our Courts, frequently retire to one of these holy places, to ensure, by a short period of penance, a place in heaven. This is often a most convenient place of refuge for the pursued thief and robber, who, at the same time that he remains concealed from justice, wipes away the old score of his offences, and comes forth with additional courage and faith in his protecting deities, to commit a new series of crimes.

The penance prescribed for telling a lie, is the repetition of the name of Vishnoo, once for each offence. Hard penance! Thus, we may often observe the religious *Brahmin* counting his beads, and repeating the name of God, while under examination in our courts.

Can we be surprised at the total disregard of truth which pervades all ranks among the followers of such doctrines! It forms one of the distinct features which mark the character of the Bengalee, and distinguish it from that of any other nation. There can be very little doubt, that to the *Shasters* is chiefly to be attributed this horrid vice, which alone would be subversive of every thing that is good.

The influence of the various filthy and indecent stories which in the *Shasters* are related of the Hindoo deities, and the immo-

ral

ral tendency of the abominable songs, so common among the natives, and which are sung at the worship of their gods, must be very great. There are no vices, however bad, for which they will not find examples in the history of their gods, and the lower orders are taught to suppose that the gods are pleased with the indecent representations, the improper attitudes and gestures, and the licentious songs which we see and hear at their *poojas*.

It was evidently the interest of the *Brahmins* to insist on the advantages to be obtained from the observance of ceremonies, in which the people would naturally join with pleasure, and which gratified their own appetites and desires, rather than to enforce the severer duties of religious abstinence and forbearance from the pleasures of the senses; in which doctrine their followers would be few, and their power consequently small. We see, therefore, that

all

all they have revealed of the *Shasters* relates to the efficacy of *poojas*, and other religious feasts; and in these they permit, and even enjoin, the exhibition of every indecency.

Of late years, it has been taught by the *Tantrica Brahmins*, that the gods have now become fond of the bottle, and consequently spirits are offered up at their shrines. Where these offerings go, it is not very difficult to conceive; and I am told, that the fervour of the Priests at the temple of *Kaliqhaut* is not a little owing to this stimulus.

Kali, as before mentioned, is the Goddess of Thieves; and spirits always form a part of the articles offered up to this goddess; but, as the *poojas* of thieves cannot always be made at the shrine of the idol, and the officiating *Brahmin*, however much he may be a jolly fellow, cannot in conscience drink the whole, the consecrated liquor is there-

fore

fore divided amongst the gang, and, inspired with it, they proceed, under the wing of their guardian deity, to commit their depredations.

As human nature has always shewn itself sufficiently corrupt, to require the enforcement of the checks which religion supplies, in order to restrain mankind, what, then, must be the condition of a people, whose very religion forms the basis of their vices and immorality?

Eight parts out of ten, among the Hindoos, are said to be the worshippers of the god Krishnu, as their patron deity; and eight parts out of ten have consequently, in the history of this deity, the example of every vice;—an example which they too willingly follow. But this is to be expected, when the religious teachers, having no head among themselves, are therefore each unrestrained in the exercise of his power. Interpreters of the word of God, they take

care that shall not restrain them; and to the power of God alone (if to any power), are the *Brahmins* responsible,—a question much disputed among them.

The evils attending the distribution into Casts have already been noticed; but their extent requires that a more particular mention should be made of them.

As there is no intermixture of the higher and lower, the more and less respectable classes; and as no one, from extraordinary merit, or the possession of great talents, can rise to preferment, except among his own class, all hope is thus cut off to the industrious and deserving man, of ever rising to any great degree of preferment sufficient to encourage him. Learning is confined to the higher orders, and these, unless *Brahmins*, are allowed to arrive at a very slender degree of knowledge.

Perfection

Perfection in arts and manufactures can never be acquired, because competition in the market is removed. The son, whatever his disposition and genius may be, must follow the trade of his father. A knowledge of one trade cannot be brought to assist in perfecting another. Ambition, which, under proper restraints, is of the greatest use among the lower orders, is in this country completely checked.

Nor are these the most serious evils attending the distribution into casts. All social feeling is lost. The benevolent, the charitable, and the social virtues, which are nourished by a general intercourse among mankind, have been for ever crushed by it. The selfish disposition of the *Bengalee* confines his acts of charity to his own cast; and he who would, like the good Samaritan, relieve the distresses of a stranger, would lose for ever his rank in society. The man

of another cast will not give his cup to bring water, were it even to save the life of a fellow creature ; and, strange to say, there are instances where a dying man would rather part with life, than accept the service of one of another cast.

Exclusion from cast is the greatest evil that can befall a Hindoo, and in many instances gives rise to suicide, but more frequently to that desperation which compels the outcast to the commission of robbery and murder, or, where his feelings may be less acute, to a life of dissipation, fraud and theft. These, indeed, become necessary where there is no refuge for the starving wretch to resort to. No other cast will receive him, and he must seek to forget his former happiness, amidst the scenes of riot and debauchery with which the society of robbers and *Dacoits* will supply him.

The

The fear of the loss of cast is the cause of most cases of child-murder that occur.

In the administration of justice in our courts, this division into casts is a most serious grievance. We constantly find a partiality on the part of witnesses to those of their own cast, and an unfeeling contempt for all others. To save a *Brahmin*, what multitudes of *Brahmins* do we always find leagued together, ready to be guilty of the grossest perjury, and even glorying in it. And among the lower casts, the same partiality is to be observed. "The credibility "of a witness," it is observed by BECCARIA, "is certainly materially affected by "his being of a different sect, as he then "possesses not only his own prejudices, but "those of the sect to whom he belongs."

Knowing well that their own power would cease, and a better order of things succeed, if intelligent men among the natives were allowed

allowed to travel, and see the manners and governments of other nations, the *Brahmins* have strictly forbidden the Hindoos to travel, under penalty of losing their cast. From all hopes of improvement the Hindoo is thus shut out for ever, in as far as it depends on the *Brahmins.*

These injunctions regarding cast are not, indeed, observed so very rigidly as formerly. A very limited and partial, though most beneficial, intermixture of trades and professions has commenced, and, as the advantages are evident, will probably advance. Education is now no longer confined to the *Brahmins,* and those of the higher casts. The encouragement of respectable talents, wherever found, which our courts of justice, and our various offices afford, without regard to the cast of the possessor, is attended with very great advantage; and already begins to evince itself that spirit of ambition and enterprise, which had been so long confined by

by the trammels of a selfish and uncharitable religion.

Superstition has been always found to decline in proportion to the progress of learning. The awful phenomena so long employed by priests to overawe the ignorant, are found to proceed from natural causes; and the introduction of printing, now in its infancy among the natives of India, may be expected to have the most beneficial effect.* It is to be hoped, that wealth

* We are all acquainted with the wonderful effects of this invention on the manners of men in the 15th century. Although learning is to be found among the natives of India, yet it is now almost entirely confined to the *Brahmins*. The state of ignorance among the lower orders is almost as great in India as it was then in Europe. The period is, I conceive, not far distant, when the long hidden policy of the priests will be laid open, through the medium of the press, to the public eye. Until this period arrives, it would be equally bad policy to remove all restraints from the press, as to interfere with the religion of the natives.

wealth will gradually be disseminated even among the lower orders; and although partial evils, and an increase even of crimes is to be expected from the first effects of such dissemination, yet, in the end, the meritorious, the ingenious, and the learned of every cast, will obtain their share of the good things of this world; and encouragement will be held out which will ensure virtuous exertions for the benefit of society.

The doctrines of the *Brahmins* will be forgotten, as they themselves fall in the estimation of their fellow men. It will be some time, however, before the natives make a moderate use of their newly acquired liberty. It will be long, before, forgetting and despising a long and firmly rooted system of idolatry, their minds will be prepared and disposed to receive the comparatively severe doctrines of Christianity, and to forsake what is, in their eyes, the easy road to heaven pointed out by their *Brahmins*, on which

every

every accommodation was found by the way for the gratification of their appetites and passions, for that straight and narrow path which, according to the true religion, can alone lead us to salvation.

Until the revolution now begun in their habits and manners shall be perfected, any attempt at the conversion of the natives will, I should humbly conceive, be entirely futile; and experience, particularly of late years, has shewn us, that any interference with their religious prejudices, or even civil customs and habits, will be dangerous in the extreme. It seems, however, the sound policy of the present Government to discontinue every attempt at such interference.*

That

* The discussion regarding the conversion of the Hindoos, is one of too great moment and interest to be attempted in a cursory manner. It is interesting to view the different lights in which the same subject is surveyed

That the manners of the natives are gradually changing, and their ideas enlarging, will

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ed by the enthusiastic missionary and the political writer. Since finishing this chapter, I have been much pleased with the view which Colonel MALCOLM has given of this subject, in his general reflections attached to the Political History of India. To the ideas of this writer, on every point which he has discussed, and on none more than the present, is much deference due; for he possesses every requisite which a long residence in the country and an intimate knowledge of its languages afford for the formation of a correct opinion; "The Government and all its Servants," says this writer, "have not only withheld their aid from the efforts made to convert the natives of India, but have, as far as depended on their measures and conduct, discouraged it, upon a principle, no doubt, of inspiring confidence, in which they have succeeded in a degree which cannot be calculated, and the extent of which may never be discovered, till the charm is broken by which this great empire is held."

Situated as we are in this country, the question of the propriety of our suffering ourselves to be impelled by a religious zeal to interfere with even the most insignificant prejudices of the natives, although it is one of the deepest

will be very evident to those who have lately been Residents at any of the great towns, particularly

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deepest moment, is surely of no very difficult solution. The passions of men in all ages have shewn themselves uncontrollable, when their religious opinions have been violently attacked. As examples of the very fatal influence of such misguided zeal, innumerable instances might be produced. But the massacre of St. Bartholomew, the slaughter of 50,000 of the inhabitants of the Low Countries, in the reign of CHARLES V, as adduced by CRAWFORD in his "Sketches of the Hindoos," and, if instances more in point are wanted, the disturbances at Vellore, and the late riots at Benares, will, I think, be very sufficient proofs of the propriety of our present policy. The house-tax, which was only an interference with their civil usages, was yet considered by them an encroachment too great to be borne. Although, during that heat and confusion, attending on the discussion of this question, regarding the conversion of the Hindoos, we cannot look for much cool argument, or unbiassed reflection, in those various pamphlets which have appeared, yet I would strongly recommend to the reader to peruse the paper on the subject of Indian Missionary Establishments, and the Conversion of the Hindoos, in one of the numbers of the Edinburgh Review for 1806. I forget

particularly in Calcutta. The *Brahmin*, of whatever rank, no longer scruples to serve

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get the number:—I shall not soon forget the contents. From the late English newspapers, and from the titles of innumerable pamphlets which I have seen, though not read, it appears to me to be in agitation to send out a Bishop, and an increased ecclesiastical establishment, chiefly for the purpose of forwarding the grand object of converting the Hindoos. When I say that I have not as yet read the host of pamphlets on this subject, and on that of the Free Trade, I do not mean to say, that I am in total ignorance of the opinions of others. I have read the "Vindication of the Hindoos," and some of the Reverend CLAUDIUS BUCHANAN's Sermons, with Notes and Commentaries. But I should be extremely sorry to permit my opinions on the subject to be biassed by either of these writers. I have, in more than one place in this Essay, said, that I generally search for truth in the middle, between the extremes of heated representations. I would neither yield obedience to the creed of Mr. BUCHANAN nor of the vindicator of the Hindoos. But as it will probably be supposed, from the gloomy picture here given of the Hindoo character, that I am very much of Mr. BUCHANAN's way of thinking, I beg in this place to disavow such acquiescence

serve the rich man of inferior cast, even if a *Soodder*; and many among this last cast have

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acquiescence; excepting, indeed, in this one opinion, That it is highly desirable, that it is even "an imperi- "ous duty" in us, to forward the design of propagating the Christian religion. This no good Christian can doubt; and, dissenting widely from Mr. BUCHANAN's "sweeping averment," that when we leave "home, we leave our religion for ever," I shall maintain, that there are now in India many good and sincere Christians, many who, as they are good Christians, will not forget the meek and forbearing spirit of their religion, nor preach the doctrine of coercion, to be used against "these refractory subjects." I do not wish the intention of this chapter on the Hindoo character to be misunderstood. I have described them as I found them, sunk, indeed, in vice, yet possessing virtues, —virtues which, in the case of any premature attempt to coerce them into Christianity, they would perhaps no longer possess. I have given copious extracts from the most objectionable parts of their *Shasters*, and have given very few from the better parts. But have I done this without thought? No. Their passions and natural evil inclinations, have made them select these objectionable parts as the rules of life. They are so wicked, that they would do the same with the Christian Scriptures; and

have now a considerable knowledge of the *Shasters*. Education is beginning to extend its

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can any of us say, that the Scriptures are not to be, like the *Shasters*, perverted to bad purposes? And if the people are at present immersed in a full sea of vice, would they not take hold of the passages only which favoured their passions, and leave the rest? The Hindoo *Shasters* are neither the pure code of their " Vindicator," nor the blasphemous, sacrilegious, and impious system of idolatry, of the Reverend Writer above mentioned. The natives have, in their character, many faults and many excellencies. " Et quantum vertice ad auras æthereas, tantum radice ad Tartara tendit." At present the natives have at least the following good qualities: Patience, Mildness, Obedience, Hospitality, Sobriety, Temperance. Make them Christians, and new wants will be found immediately; and as an increase in the price of labour has not yet been provided by the most sanguine of the innovators, these wants may come to be supplied by crimes. If we break our word, so often, so solemnly pledged to them, That we would not interfere with their religion,—the law of retaliation will sanction their breaking their faith with us. They chearfully obeyed while we tolerated their religion.

Let

its beneficial influence over all ranks. Trades and professions are intermingled in some

s 2 instances,

Let the Scriptures be translated, let time take its course, and when a favourable opportunity offers, let every Christian unite in the great work; till then all human power will be vain; it will make no progress in the conversion of the natives, but it will at once break that invisible, though most powerful chain of opinion, on which our lives, our government, and the happiness of sixty millions of men depends.

To hasten the happy period when the Scriptures may safely be introduced among the natives, we ought to commence by shewing them our wisdom and our regard for their interests, by plans for improving their condition. By many it is alleged, that immorality among them is the great cause of indigence: as far as it is so, improvements in their religious and moral education may remove the evil. But in ten cases out of every twelve, it will be found that indigence produces immorality. Until this time comes, we ought to reflect on what has been the consequences of premature religious changes in Europe; when this portion of the world was in a state of ignorance and darkness, not unlike to what India is now. We ought to think of the Sicilian Vespers,—of the massacre of St. Bartholomew. In India, we ought to reflect on those apparently

instances, and the ingenuity of the European, whose improvements in the arts they no

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ly trifling causes which gave rise to the insurrection of Vellore, of Nundy-droog, of Palam-cottah, and, more recently, of Benares and Bhaugalpore. Let us think of the conduct of the natives to Mr. CAREY, and others of the missionaries in and about Calcutta, as described in their own papers and journals. I would say more on this subject, but it is very unnecessary in this Essay. Moreover, I rest confident of one thing, that whatever opinions may originate in enthusiasm, or in a mistaken though well intended zeal, yet but one opinion can originate in the calm experience of our local Indian Governments, and, instigated by such an opinion, they will always, as hitherto, resist innovation. They will always think with a humane and enlightened philosopher, that there are "epochs" in which knowledge, that is to say, knowledge prematurely forced upon the mind, is fatal; "that one of these epochs is to be found in the difficult and terrible passage from error to truth, and from darkness to light, in the violent shock between a mass of errors, useful to the few and powerful, and the truths so important to the many and weak; that the fermentation of passions excited on that occasion, are productive of infinite evils to unhappy mortals." What then seems to be the necessary conclusion to

no longer scruple to adopt, adding to an increased competition in the market, have already had sensible effects on the manufactures. Even cast does not now altogether bar the gate of admission, against all except a select few, and by a better division of labour, all mechanics can find employment; and many are the advantages attending these changes. These advantages will in the end be conspicuous; but, in the mean time, the intermediate character which the Bengalee has assumed, will demand all our attention, and will be found sufficiently vicious and degraded. Let us now proceed in the delineation of this character, and in taking notice of those passages in their *Shasters* which seem to have conduced to its formation.

 The

to be drawn on a review of the whole matter?—That every gentle, indirect, and if I may so speak, passive method, for the gradual conversion of the natives to Christianity, by the dissemination of the Sacred Scriptures, ought to be eagerly adopted, but that all attempts at immediate and forcible conversion ought to be as sedulously resisted.

The eating of onions, and defrauding our relations, are esteemed crimes of equal magnitude.

Cutting green trees, and killing women, are equally criminal.

Giving a younger son in marriage before the elder, is as bad as killing a *Soodder*, or even a *Khshytrya*.

Killing a *Brahmin*, and drinking a dram, were in former days equally heinous crimes.

The man who should yawn, and forget to snap his fingers after it, was ordered the same penance with the murderer of a *Brahmin*.

The person who committed a crime unintentionally, must perform one-half of the penance allotted for that crime.

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The life of a cow is of much greater consequence than the life of a *Soodder*; and in some parts of the *Shaster*, is reckoned equal to that of a *Brahmin*.

All penances may be commuted into the payment of cows or money: Thus, for killing a *Khshytrya* 45 cows and as many calves must be paid, or 135 rahuns of cowries.

The murdering a *Soodder* 12 cows, or 36 rahuns of cowries.

The commanding another to commit murder, was expiated by paying the fourth of the sum which the murderer had to pay.

If a *Brahmin* break the *poita* (the holy thread) of another *Brahmin*, he must be very sorry for it, and pinch his own nose with his right hand. The degree of pinching is not mentioned.

Such doctrines as I have noticed in this slight sketch having been heard with reverenceand awe for ages past, as might naturally be expected, have had their effect on the character and manners of the lower orders. We shall now sum up the qualities, good and bad, which seem to compose this character.

All ranks of the natives, but more especially the *Brahmins* and the lower casts, shew a complete want of a proper religious and moral principle, their religion extending to ceremonies only.

Although the middling ranks will not steal and rob openly, or commit other bad actions which might lower them in the public eye; yet, when it can be concealed, they will receive bribes, will defraud their masters by false accounts, and, by making use of their power in office, will extort sums in the most paltry and mean way from all who have any transactions with them. They

scruple

scruple not to make use of their master's name, in cases where greater sums may by these means be obtained. They never receive power but to abuse it, and no salary, however liberal, will put a stop to their corruption and venality. As they have no regard to justice, so they have no feelings of mercy or pity for even the most miserable of the poor whose causes they have before them; and every assistance they give must be paid for.

In all countries, justice, although the natural right of the subject, is a very dear commodity; but, in Bengal, its price exceeds, in most instances, its value. The poor Bengalee will rather give up his little paternal property, his bit of *lahraje* (rent free) land, than prosecute his cause in our Civil Courts. He will rather suffer the injury, if his house be robbed, than undergo the delay and misery of a criminal prosecution. Half, and more than half the injuries

committed

committed are thus concealed. The corruption of the native *Aumilah*, or officer of our Courts, has become notorious, and the European character suffers in the eyes of the natives, if not from the suspicion which it is the interest of the *Aumilah* to create, viz. of our partaking of their gains, yet at least from our extreme supineness and apathy, which prevents our taking any measures for the suppression of an evil so destructive of all justice.

The following passage, translated literally from the Travels of Aka Mahommed, a Persian of considerable rank and respectability, and a clever man, as it describes most exactly the state of almost every Court of Justice in India, ought surely to awaken us to a sense of our duty. Talking of the English, he says, "And although these persons "do not themselves take bribes, and to the "utmost of their power administer justice "impartially, yet, from their neglect and

"carelessness,

"carelessness, the poor subject must endure "every kind of tyranny and oppression, "which the power of the *Aumilah*, viz, the "*Nazirs*, *Darogas*, and others, inflict on "them. And considering the wisdom and "ability of these persons, it is very wonder-"ful that they do not reflect and consider "how it is possible, that their *Dewans*, *Moof*-"*tees*, *Nazirs*, *Cutwalls*, *Darogas*, *Than*-"*nahdars*, *Moonshees*, *Moota-Suddies*, and "others, who serve in the Judicial Line, "while their allowances are only sufficient "for their maintenance, can yet assume "such rank and splendour; and notwith-"standing their living in this style, how "they have become possessed of great and "extensive landed property. If they take "no bribes, whence comes all this ? ! !"

Although I believe the *Aumilah* of our Courts, who are, in general, from among the middling classes of the natives, to be more particularly depraved, yet the com-

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plaint against the middling class for want of principle is very generally made. The *Sircars* of individuals, the *Aumilah* of the *Zemindars*, and the superintendants of tradesmen, have all the same principles, or rather the want of all principle; and although in their manner they have a greater share of decency, and are not guilty of excesses in public, yet are they very little better, except in this last respect, than the other two classes.

In nothing is the general want of principle more evident, than in the total disregard to truth which the Bengalee shews. And here no order or rank among them is to be excepted. Their religious teachers set the example, and it is most scrupulously followed by all ranks. As the *Shasters* declare that lying is allowable in some cases, and the *Brahmins* have shewn by their example, that these cases may be extended; as,

as, besides, it is a practice esteemed highly serviceable by all the natives, it has therefore become universal, and is no longer considered discreditable. With nothing is the European more struck on his arrival in the country, than with this horrid vice. Indeed, we find this disposition in no civilized nation we have ever heard of. In all, a regard to truth is the first precept a child receives; and Bengal alone shews an exception to the general observation,

> "Magna est Veritas, et prevalebit."

By increasing the punishment for perjury, something, perhaps, might be done towards removing this evil; but the religion, the education, the very nature of the Bengalee (for it has become a second nature) must be changed, before any great improvement can be expected.

The natives of Bengal, of all ranks, are timid and cowardly; they possess no energy

of

of character, and suffer long without making resistance. Although it might at first view be imagined, that the *Dacoits* and robbers furnished an exception to this observation, I have every reason for supposing, that they only owe their success to want of opposition. No doubt, a gang of *Dacoits*, emboldened by a series of successes, acquire a degree of courage not natural to them; yet it will invariably be found, that any thing like a steady opposition puts them to flight. With this, however, they very seldom meet.*

On

* I believe several instances have lately occurred in Burdwan, when, by the encouragement given by the zealous and intelligent Magistrate of that *Zillah* (Mr. W. B. Bayley), the natives of the villages have opposed the *Dacoits*, and, aided by the watchmen, have repelled them. How greatly is it to be desired that such an example should be followed. This cowardice of the Bengalees is not universally allowed.

"The

On the arrival of the *Dacoits*, generally the whole men of the village flee before them, and leave their helpless women and children to their fury. Much of this cowardice proceeds

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"The second, and only other cause of *Dacoity*, viz. the cowardice of the natives," says Mr. STEWART, in his Report from Benares, "is of a nature to rob the unfortunate sufferer of all claim to compassion, by casting the whole blame on themselves. The inhabitants of other provinces (Behar, for instance) are said to owe their safety to the manliness of their character, which defies assault. The natives of Bengal are paying the natural penalties of their cowardice. Their villages are fined, their property pillaged, their women ravished, and themselves tortured and assassinated, simply because they are poltroons. This hypothesis, as it implies a sort of moral dispensation, is captivating, but, I conceive, will not stand the test of deliberate examination."

Mr. STEWART then defends the Bengalee, and, among other arguments, adduces the following, "That these very *Dacoits* are not foreigners, but native Bengalees, and that from among the Bengalees we formerly had many good soldiers." With regard to the first argument,

proceeds from the indefensible nature of their houses, and from the restriction laid on the possession of arms. Every man who possesses arms in his house, bcomes an object of suspicion to the *Daroga*, on the occurrence of any crime. He is either apprehended and sent in to the station, or he pays a large fine for his freedom.

The policy which suggested the imposition of these restrictions, was at first highly proper; but as the natives, wherever they are protected, are now happier under our government, than they were under their former rulers, there can no longer be any occasion for its strict observance, more especially if we conciliate their affections, by supporting

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ment, I am afraid it will be found, that the *Dacoits* are a hardened, but not a brave set of people; and whatever they may have once been, it is well known that no regiment will now receive Bengalee recruits when any others are to be had.

supporting them on every proper occasion against the tyranny of the *Zemindars.* Under certain regulations, arms might safely be allowed in the houses of those who can afford to have them, or at least of a small number in each village; and most liberal rewards ought to be given to those who shall set an example to others of repelling the *Dacoits.* A spirit of this kind, once raised, would be attended with the best effects; for a trial would soon convince them, that the *Dacoits* are not so formidable as they imagine.

Although cowards, I do not think the Bengalees are generally cruel; and it is only among the *Dacoits* that we have instances of this propensity. Perhaps experience may prove that these are cruel in proportion to their cowardice, their outrages exceeding any thing that will be believed;—but of this, notice will afterwards be taken.

The mild and regular climate of their country, and the fertility of the soil, easily supplying their wants, and making them averse to labour; the regularity and simplicity of their diet, may account for the apathy and laziness of the *Brahmins* and lower classes*, which is as remarkable as the industry and activity of the middle orders. The day of a *Brahmin* is passed in eating and sleeping, with short, very short intervals, or rather farces, of prayer and religious worship. This, however, is only the life of a religious *Brahmin*, who lives on the fruit of his godliness. His character entirely changes when he interferes with the concerns of this world. He becomes more

* This feature in their character seems to have struck all Foreigners, the older travellers in the country; as is observable in the writings of BERNIER, PETER DE LA VALLE, and others. BERNIER observes, "Laplupart " des Indiens sont d'une humeur lente, et paresseuse: " la chaleur du pays, et leur manger, y contribuant " beaucoup."

more active, and joins with heart and soul in all the chicanery and knavery that goes forward. And as his power is superior, so he becomes the leading character among the corrupt.*

 But

* In "HOLLWELL's Events" we find the following remark, which shews that the character of the *Brahmins* was early marked by Europeans; the remark is peculiarly applicable to the *Brahmins* of the present day. "During five years that we presided in the judicial Court "in Calcutta, never any murder or other atrocious "crime came before us, in which it was not proved in "the end, that a *Brahmin* was at the bottom of it." It ought, however, to be here observed, that a wide distinction is to be made between the *Brahmins* who mingle in worldly pursuits, and those who devote their lives to religious seclusion from the world; among this last description, I have known many most respectable and good men. This distinction is well marked by RAYNAL, whose words on this subject are worthy of being quoted as very correct, though this is not always the case with this author: "Il y a plusieurs classes de "Bramines. Les uns rpandus déans la société sont or- "dinairement

But the laziness of the lowest classes is more particularly remarkable; and it is difficulty to point out the immediate causes of it. It is impossible to rouse them, or even to excite in them a wish to look farther than the day before them. Those who have a trade, will not labour an hour or two longer to lay up a little stock, even though experience shews them, that the evil day often arrives and finds them unprepared. On the contrary, like the colliers, and some other description of labourers in Europe, the Bengalee will work hard three days, in order that

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"dinairement fort corrompus; persuadés que les eaux "du Gange les purifient de tous leurs crimes, et n'étant "pas soumis à la jurisdiction civile, ils n'ont ni frein ni "vertu.——Les autres vivent séparés du monde, et ce "sont des imbécilles ou des enthousiastes, livrés à l'oisi-"veté, à la superstition, au délire de la métaphysi-"que." The Abbé might, however, have given this last description of *Brahmins* more than this negative praise of doing no wrong.

that he may sleep away the next three, or spend them at a *Poojah*.

The husbandman, who from bad seasons and other casualties, is liable to frequent reverses of fortune, cannot, however, by any means be induced to lay up a little store. He lives from day today, throws all his gains into the hands of the *Mahajuns* or money-lenders, content that he finds a temporary supply, and finds it without much trouble. Although they see, that the *Mahajuns*, becoming, in fact, the cultivators of the lands, acquire wealth rapidly, and although they must know, that by laying up a small portion of their gains, they might, in time, become their own *Mahajuns*; yet will they obstinately adhere to their old habits.

To the formation of so peculiar a character, there must have been some original cause, or combination of causes, of great weight. One of the principal of these is to

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be found in the former insecurity of property, and the fear of the *Dacoits*. Now that these are somewhat removed, we may hope for some change, though at present there is no appearance of any such improvement.

Some further observations on this subject will be found afterwards, when the *Zemindary* System is explained; at present it is sufficient to remark, that the laziness and apathy of the Bengalees is beyond any thing with which we are acquainted in other countries.

Among the natives of Bengal, nothing like a free and independent spirit is to be found. They are fawning and slavish to superiors, to a degree of meanness and servility which is disgusting; yet these men are, of all others, most arrogant when they have it in their power. They are then, really, those weak men, who,

"Arm'd

"Arm'd with a little brief authority,
"Play such fantastic tricks before high Heav'n
"As make the angels weep."

To be assured of this, let any one, as a stranger, go among them unattended; let him visit the *Dewan* of an European, a native officer of our Court in his own village, or a *Daroga* of a *Thannah*, and see how they lord it over their subjects.*

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* While employed in the interior, I used frequently to ride or walk about unattended through the villages where I was unknown, and by representing myself to be an indigo planter, on my way to a factory, or by telling them any such story, I have induced the natives to enter into familiar conversation with me. I have learnt frequently their opinions of their masters, and have found that they can sufficiently despise us, when out of their sight. In going about in this way, I have collected a good deal of useful information, and would strongly recommend the practice. It might be of much use in Calcutta, where one might go about without being known or feared.

The Bengalees can never be prevailed upon, at first, to offer their real opinion upon any subject. They are cautious in the extreme, weighing every question, however trivial, previous to their giving an answer; and the faculty which they have of diving into the thoughts of others, and reading in their countenances the workings of their minds, is really astonishing. The character, temper, and every disposition of the European, is studied, and made the subject of conversation at their nightly meetings, immediately after his arrival at a station; plans are then laid for managing him, and they are almost universally successful.*

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* A very clever and intelligent native, who was in my employment when I left Bengal, told me very lately, that on my arrival at Nattore in 1808, a consultation had been held to ascertain my disposition, and how I was to be managed. I had been for the first few days severe on the officers of the Court; some were therefore inclined

In laying plans, and waiting for their result, they are possessed of the greatest coolness, patience and perseverance, and the command they possess over their temper and countenance is wonderful. Seldom, indeed, can the Bengalee be put out of countenance, or off his guard. To have their veracity called in question, or their honour impeached, has an immediate and violent effect on the people of most nations; but where veracity and honour are alike unknown, we cannot wonder at the great endurance of the Bengalee in such situations, or even under violent abuse. In patience, in cunning, in forbearance under abuse, and in

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inclined to think me a fiery tempered young man *(gurm mezage)*, but the more experienced made it out that it was merely a display, and that it would soon cease, and the gentleman's soft disposition *(nurm mezage)* would prevail, when he would be easily managed. This consultation was held at the house of the *Sheristadar* (or head officer of the Court).

in rapacity in money concerns, I have often thought, that there existed a strong resemblance between the characteristic description of himself, given by SHAKESPEARE'S Jew, and the Bengalee:

"—— Many a time and oft
"In the Rialto have you rated me
"About my money and my usances;
"Still have I borne it with a patient shrug,
"For sufferance is the badge of all our tribe."

If the Hindostanee, the Persian, or the Malay is insulted, he puts his hand to his sword, or, if restrained by circumstances, he at least meditates revenge; but the Bengalee patiently submits to every abuse and degradation by which he is a gainer.* There is here

* The humorous description of a Chinese merchant, given by RAYNAL, is very applicable to the Bengalee in similar situations. "Un Européen arrivé pour le premier

here a wide difference between the character of the Bengalee and the natives of the Upper

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" mier fois dans l'empire, acheta des marchandises d'un
" Chinois, qui le trompa sur la qualité et sur le prix.—
" L'Européen se flatta que peut-être il toucheroit le
" Chinois par des représentations modérés, et il lui
" dit : " Chinois, tu m'as vendu de mauvaises marchan-
" dises."—" Cela se peut," lui répondit le Chinois,
" mais il faut payer."—" Tu as blessé les lois de la
" justice, et abusé ma confiance."—" Cela se peut,
" mais il faut payer."—" Mais tu n'es donc qu'un fri-
" pon, un malheureux."—" Cela se peut, mais il
" faut payer."—" Quelle opinion, veux-tu donc que
" je remporte dans mon pays de ces Chinois, si re-
" nommés par leur sagesse! je dirai que vous n'êtes
" que de la canaille."—" Cela se peut, mais il faut
" payer."—L'Européen après avoir s'enchéri sur ces
" injures de toutes celles que la fureur lui dicta, sans
" avoir arraché que ces mots froids et froidement pro-
" noncés, délia sa bourse et paya. Alors le Chinois,
" prenant son argent, lui dit : " Européen, au lieu de
" tempêter comme tu viens de faire, ne valoit-il pas
" mieux te taire, et commencer par où tu as fini ; car
" qu'y as-tu gagné ?"

Upper Provinces. The Bengalees inhabit a low flat country, easily overrun by enemies. From time immemorial they have been subject to the perpetual vicissitudes of conquest and subjection, and they have always yielded a ready obedience to the conquerors. Their lives are passed in the employments of agriculture and pasture: their climate is enervating, and their food simple. These causes must have had their effects in forming this character.

If these causes are sufficient to account for their cowardice and meanness, we may also add to these the powerful effects of constant subjection to tyrants, in the persons of their Sovereigns, and also of their *Zemindars*, in teaching them duplicity, evasion, and a disregard to truth. To those who are competent to the task, the investigation of such causes would furnish a very interesting subject. But for such an inquiry

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I am very unfit, and must confine myself chiefly to effects.

As the *Brahmins* and lower casts are remarkable for their indolence (with the exception above mentioned), so the middling class, especially those employed in the mercantile line, and in the different offices under our Government, are distinguished for industry and application. As long as they are suffered to be gainers by these qualities, they never fail to exert them; and every other consideration yields to the performance of the duties of their office: nothing discourages them; and their unwearied perseverance is generally attended with success.

This remark, and, indeed, most of the remarks in this chapter, I mean to apply to the Hindoos among the Bengalees. The Mussulmans, in their manners and customs, have, of late years, assimilated themselves

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to the Hindoos in most respects; and I am not aware of many striking differences in the general character of the lower orders of either sect. When these occur, however, I shall endeavour to point them out: and the present is one instance; for I have always found that the Hindoo officers of a court are the most industrious, and the most useful in every respect, as well as the easiest to manage. There remains a great deal of that pride which has always been remarked as inherent in the Mussulman character; and the utter contempt in which they hold those of another persuasion, prevents the possibility of improving them. Their character, however, possesses much more energy, and in many situations they are to be preferred to the Hindoo, particularly as *Darogas*, jailors, *Burkundauzes*, &c. A native Bengalee is totally unfit for these situations; and they ought, on all occasions, to be given to up-country Hindoos, or to Mussulmans.

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In mentioning the up-country Hindoos in this place, I wish to call the attention of the reader to a wide distinction which is always to be drawn between the Hindoos of Bengal and the Hindoos of the Upper Provinces. The Bengalee is mean, insidious, cowardly, litigious;—the other is independent, open, brave, and peaceable. This last epithet I merely apply in contradistinction to litigious, for the up-country natives are engaged in many private quarrels and feuds, although they have few lawsuits. This observation may be of service to the young Writer in the choice of his appointment, as well as to the Magistrate in his arrangements for police.

Bengal is, perhaps, the only country in the world where every thing is to be done by money. Venality and corruption are here universal; and I sincerely believe, there is not in Bengal a native to be found who will resist the power of money. Each

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has his price, and although that price may be very high, it is yet to be ascertained, and when ascertained, will infallibly command the commodity, be it even his honour and reputation in this life, or his hope of salvation in the next.

It can scarcely fail to be otherwise, when venality has long ceased to be looked upon as a crime, which is really the case in Bengal. Where justice is bought and sold among even the most respectable of the *Pundits* and *Moluvees* of our Courts, and where the *Aumilah* receive bribes with both hands, how can we expect that the lower orders should not be influenced by such an example! They are consequently ready, on all occasions, to sell their words, their exertions, their reputation, and that of their families, to the highest bidder. Among the *Brahmins*, absolution from sins, and bonds of insurance, securing the possessor a place in heaven, are always to be purchased. But

nowhere

no where is this venality more conspicuous than in our Civil Courts of Justice, where, in almost every cause that is tried, the witnesses (perhaps all from the same villages), will range themselves on different sides, and give a plausible and consistent story, the one in direct opposition to the other. Members of one and the same family will contradict each other, and, though contrary to their own belief, they will, with the greatest obstinacy, persevere in maintaining any assertion which they may be paid to make. On this subject more will be found, when I come to the treatment of the subject of witnesses. It is sufficient here to have mentioned their disregard of truth, and their extreme venality, as features in their character, distinguishing them from any other nation. In many nations these vices have a partial influence, but here they are universally prevalent.

The deep cunning and foresight of the Bengalee is very remarkable, and it is particularly observable in our Courts of Justice. Their plans are laid with wonderful skill, and in very few instances are they brought to light; and, in general, in the event of their being discovered, a safe passage for escape is also found to have been provided. On the stratagems and devices which they practice in courts, some further observations will be found afterwards. Cunning is universally encouraged among them, and becomes part of their education; and there are innumerable stories which they relate, and listen to with delight, inculcating the excellence of this virtue.*

The

* An old *Soonar* (a goldsmith), on his deathbed called for his three sons, and having given them a great deal of good advice with regard to their conduct in life, he asked the youngest, how many *anas* (sixteenth of the common gold coin or *mohur*) he could venture to steal to himself.

The

The Bengalees, of all ranks, are remarkable for their ingratitude; no kindness con-

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The son modestly replied four *anas* (a fourth). You, said the father, will never succeed in life. He then asked the second the same question; the second son said, he thought he could venture to take a third without being discovered. And the third son, seeing the father was not contented with this, alleged that he could steal one half. On hearing this, the old man said, None of you are my sons; when I was of your age, I could venture to take within an *ana* of the whole for myself. He then told them the following story: "When I was young a certain Rajah assembled all the goldsmiths in the neighbourhood, and told them he wished to make an image of *Khrishnu*: but as *Soonars* were not to be trusted, and the image was to be of pure gold, the man who made it, must previously agree to certain conditions. These were, that he should every day be locked up in a small room with the image; that this room should be well guarded, and that every morning and evening, when he was admitted and let out, he should be searched to the skin. All the old goldsmiths, knowing well that very little was to be made in such a case, and dreading the anger of the Rajah, remained silent. On which I stepped forth, and said, Oh, mighty prince! these

ferred on them will ever insure their gratitude; indeed, this virtue seems totally unknown

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these men only study their own worldly advantage, and as your wisdom has laid a plan by which it is impossible for them to steal, they will not agree to your conditions. But I expect a place in heaven for this godly work, and will rely on your bounty for any other reward. I am ready. The king was much pleased, and having ordered the treasurer to weigh out the gold, he had me stript naked, and set to work in a room guarded both outside and inside. Every night I was released, after being searched; and every night, in my own house, in a private place, I continued making a brazen image, exactly similar to the other; not a screw or a nail did I put in the one, that I did not put its fellow in the other; and having finished both, I filled up my brazen image with lead, and gilded it over with gold. When the golden image was ready, the Rajah came to see it. I then prostrated myself before him, and said, Oh, great prince! I am a very poor man; I have suffered every disgrace that I might please you; now grant my prayer, and permit me to carry the image to the Ganges on the day of its consecration. The Rajah consented; but ordered, that, on that day, guards should surround me on all sides. The day arrived, and I proceeded with the image to the Rajah's

known among them. The servants of Europeans, who have been with them for years, will yet leave them on the slightest pretence, whenever their own convenience requires it. The man whom you may have brought up and raised from poverty to affluence in your employment, is yet always willing to desert you when he is likely to gain a small consideration by it. Personal regard for the European is never found among them, though their slavish and fawning servility might make us mistake their fear for respect and esteem.*

 Both

jah's ghaut, and entering the holy stream amidst the acclamations of the multitude, I immersed the golden image, and at the same time my whole body in the water, and taking up the brazen image, which I had previously placed there, presented it to the *Rajah*, and, bowing at his feet, asked for my reward. The *Rajah* was highly pleased, and rewarded me liberally. At night I removed the golden image, and melting it down, disposed of the gold at leisure."

* On my arrival in this country, I took into my service a little orphan boy. He was a Brahmin, and had no

Both Hindoos and Mussulmans in Bengal are very superstitious, believing in charms,

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means of subsistence. I had him educated; he was always well fed and clothed, and when he could know the use of money, I gave him a small monthly allowance. He remained with me for five years. He once came to me, and asked permission to go and see a relation of his, and remained absent five or six months, during which period, as I afterwards learned, he had engaged himself to another gentleman in a distant *Zillah*, who had offered him an additional rupee a month. On his return, to reward me for the kindness I had shewn him, he joined with a blacksmith, who was also my servant, and broke open my cellar. This blacksmith I had released from jail, and supported for two years: he had been confined on security, and as no one would employ him, from the stigma attending his imprisonment, he was, at the time I received him, destitute of the means of subsistence.

In the last great famine in Bengal, a gentleman passing through the outskirts of the town of Calcutta, close to a deep ditch, heard the cries of a person in distress; and going up to the place, he saw a man sitting on the ground, and his wife and two children lying to all appearance

charms, incantations, the power of good and evil spirits, of ghosts, of religious persons, such as *fakeers* and devotees, in good and bad omens, and in witchcraft. Their reverence and awe for the minutest and most insignificant ceremonies of their religion are

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pearance dead before him. The man was reduced to a mere skeleton, and the others were in the same situation. The man had just sufficient strength to tell him, that for many days he had not tasted food. The gentleman sent for his servants, and had the starving family removed to his house, where, by kind treatment, the whole of them soon recovered. After being maintained for some time in the house, the man, who had hitherto received food and clothing for himself and family, demanded wages; and the good-natured master gave him the same as the other *Khidmutgars* (table servants). He remained with his family in the house for a year, at the end of which he told his master, that he wanted something more than the others. As this was refused, he left the house immediately, and took service with another gentleman, who gave him a small addition to his wages. Instances such as this are not uncommon.

most remarkable. They all believe, as has formerly been mentioned, in predestination and necessity.

The climate of the country, and the impurities to which they are daily witnesses, even in their religious ceremonies, have conspired to make the Bengalees lascivious in the highest degree. So little regard is paid to chastity among them, that the son has learnt from the example of his parent, before he is fourteen years of age, to mingle in the general debauchery. Concubinage is general among them, and private intrigue has no bounds. Nor does the Bengalee consider marriage a bar to such enjoyments. Respect for cast has no influence in preventing this; and intrigue, even in intermixture of religions, is not uncommon. Under such circumstances, it naturally follows, that the number of those who live by public prostitution is very great, the public exposure of private intrigues constantly supply-

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ing this body with recruits. But this profession, as it is not stigmatised with that degree of ignominy which is attached to it in Europe, and as it is much better conducted, consequently presents us with fewer objects of misery and desperation; and from the manner in which this society live, associating together, and assisting each other in poverty and disease, the evils attending this misfortune, necessary perhaps in all countries, are here comparatively small.

Men of education, who devote themselves to study for the good of their fellow-citizens, are now unknown among the Bengalees. Literature is totally neglected, or those branches alone are studied, which insure the immediate gain of the student.

The want of a body of learned men, which almost every other nation can boast of, must have a very bad effect on the general manners and character; but here there is little

little hope of improvement. Even now, when education has become more common, only enough to insure the learner a livelihood is thought worth acquiring. The study of philosophy, of history, of astronomy, and other useful and elegant sciences, even if they were in former times an object of interest among the *Brahmins*, could yet have had no beneficial influence on the body of the people; for they were entirely concealed from them, by their self-interested priests. "A little learning," in the opinion of the *Brahmins*, was, indeed, "a dangerous thing;" and he among the forbidden classes, that "dipped deep," was plunged into hell: Such was the miserable policy of the *Brahmins*.

In the management of their children among the lower classes, we may trace one great source of the early vicious habits which afterwards ripen into more determined guilt. Respect and awe for the orders of

of their parents are not taught them in their childhood; and it is not to be expected, that in their youth, when respect would throw a restraint on their pleasures, they will observe it. While very young, they remain under the care of women, but, as soon as they are able to run about, they pass their whole day in the streets and the *Bazars*, learning and teaching every kind of mischief. Any one listening to the language of Bengalee boys, while at their sports, would be astonished at the pitch at which they soon arrive in abuse and indecency. Unless removed by their parents to keep cattle, or to do little works about the house, they continue in the *Bazar* until, arriving at the age of twelve or fourteen years, they then find associates among the young men, who initiate them in scenes of debauchery, gaming and drunkenness. It then becomes necessary that they should work, in order to supply themselves with the means of indulgence, or that they should

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join gangs of thieves. Although by far the greater number follow some profession, yet we cannot expect that the education above mentioned should secure them from temptation. Thus we find, that as receivers, or otherwise assisting their old companions, they give additional strength to combinations already sufficiently strong.*

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* In *Zillah Kishnagur*, a *Dacoit*, who had received a pardon for his services as a *Goinda* (an informer), and who, from youth, had gradually proceeded in a course of progressive iniquity, until he became accustomed even to murder, was among others who attended me while I was employed some time in the interior of that district, in the apprehension and trial of a gang of robbers. As he no longer feared punishment, he was very communicative, and, in relating his own history, he mentioned, that, at first, he began by pilfering from the shops of the *Moders* (grocers) and others, to support a girl with whom he had formed a criminal connexion. His first daring act was that of committing a *Nukubzunny* (or lesser species of burglary) in the house of a man of some wealth. He said,

The Bengalees, of all ranks, are of a litigious disposition. This is a fact so generally known and complained of, that it will need no further comment.

They are, as has been formerly observed, severe and tyrannical to their women; and from the state of subjection in which these are kept, those finer feelings, which, in all other nations, arrived at any degree of civilization

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said, that although the gang of his young companions consisted of ten or twelve, yet there was not one among them who had courage to enter the hole, after it had been cut; that they at last forced him in, as he was the least among them; that he proceeded with fear and trembling, but having succeeded that time in getting a considerable booty, he received encouragement from this success, and soon became an adept. This young man, at the age of twenty, joined in attacking the house of Mr. FADDY, an indigo planter in the above-mentioned *Zillah*. In this attack either two or three persons were murdered, and Mr. FADDY, and a Mr. LIDIARD, escaped only through the generosity of the *Sirdar* (leader), who was afterwards hanged.

lization their society has given rise to, are here unknown. The passion of love scarcely can be said to exist. Indeed, the confinement of women, and the manner in which marriages are contracted, have always struck me as a most ingenious device of the *Brahmins*, to prevent those favourable effects of female society upon the temper and genius of a people, which have been so strongly exemplified amongst the more fortunate nations of Europe.

Such restraints have tended to form a character in the women of this country very different from what nature gave them. Gentleness, modesty, fidelity to their husbands, affection to their children, and care in their education, with love of domestic comfort and peace, are what we desire and expect to find in women; and something must be sadly wrong, when, instead of these, we find them ill-tempered, quarrelsome, regardless of their reputation, so long as their

amours are concealed, shewing their want of affection for their children by their carelessness about their education, ever living amidst domestic quarrels and broils, and jealous of their husbands, though devoid of affection for them.

Much have the *Brahmins* to answer for; nor has Mahommed been more favourable to his female followers; but on the contrary, the Mussulman women are even more degraded and oppressed.

The fear of thieves and robbers preventing their amassing a little money, and the precepts of their religion, which encourage needless shew and expense at their *Poojahs*, weddings, and other ceremonies, as well as the unrestrained gratification of their appetites, may, perhaps, be the leading causes which have made all the lower classes of the Bengalees spendthrifts. They do not know what it is to keep money; and when

when the day of adversity comes, they are totally unprovided. Their love of shew is excessive, and indulged at all hazards. To enjoy one day of religious pomp at a *Poojah*, the Bengalee will run himself into a debt which years cannot pay; and if the Priests are well fed, it is no matter if his family be left starving.

In their constitutions, though very healthy, the lower orders have but little bodily strength, and no spirit or energy of mind. Their natural disposition is peaceable. They are neither quarrelsome nor revengeful. When they do quarrel, the utmost pitch to which they ever proceed, is that of venting their anger towards each other in epithets of abuse, addressed to the person himself, and often including his whole family, particularly the female branches. They are, in general, humane, though most of their acts of kindness are confined to their own cast. The institution of cast, however, does not prevent their being hos-

pitable

pitable to travellers and strangers; but these must not encroach upon their prejudices. If the stranger is of the same cast with the host, he will often be permitted to eat with his family; if not, he will still be fed, though in a separate place; and it is not uncommon, within the same court or Compound, as it is called, which includes the different little huts of a Bengalee family, to see a room set apart for the entertainment of strangers.* One of the best doctrines

* In the cold season of 1809, I was riding from Nattore to Moorshedabad; but having no attendant with me, and losing my way, I was benighted at a small village near Bhugwangola. I found all the people very civil, and having told them that I had lost my way, they condubted me to the house of the *Thannahdar*, who, without knowing who I was, received me very kindly, gave me a good dinner of curry and rice, and Hindostanee bread, and at night made ready his palankeen for me to sleep in. In the morning, as my horse was very much tired, he mounted me upon his own, and sent a man to shew me the way to the next stage, where I had another horse

doctrines in their religion is that which insists on the necessity of shewing hospitality to strangers. "Thou shalt be hospitable "even to thine enemy; the tree doth not "withhold its shade even from the wood-"cutter; the moon doth not withhold her "light even from the cottage of the *Chim*-"*dala*." As far as I have had opportunities of observing, I do not think that they are cruel to animals, although this has been alleged of them.* They have a wonderful

horse stationed. At another time, shortly after this, I lived at the house of a *Modee* (grocer) for four days, and was treated with the greatest kindness and attention. Hospitality is said to be rather on the decline at the present day; but although I have been repeatedly in the interior of the country, and have been in the habit of going about at a distance from the place where I was stationed, often during the night, and always without attendants, I have never found the natives wanting in this virtue, as long as one did not trespass on the privilege of cast.

* See Mr. Ward's Account of the Hindoos. I should, however, in this instance, be inclined to differ from Mr. Ward

ful command over their temper; they are steady in their devoted regard for their religious leaders, bad as those are. Their regard and affectionate attention to all their aged and poor relations is also a good feature in their character.

This amiable feature of charity and affection ought, in my estimation, to "cover a "multitude of sins;" and, in enumerating among the virtues of the Hindoos, those of charity, temperance, mildness, hospitality

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Ward in his opinion of the native character. A stranger, passing through the streets of London, and seeing the conduct of draymen and hackney-coachmen to their horses, would not surely be justified in forming an opinion that the English are generally cruel to animals. Those who live by the labour of cattle, become habituated to view their sufferings with indifference; but among the Hindoos, their natural abhorrence to shedding the blood of animals, is enforced by the precepts of their religion. The doctrine of the Metempsychosis has had its effect in forming the mild and humane character of the natives towards animals, and even towards each other.

and affection, I am desirous that they should be set against the many vices noticed in this Chapter. The character of the native will not then be found to sink so low in the scale of comparison. It is, indeed, difficult to reconcile the existence of so many contrary qualities in a people; but the fact is undoubted. It must also be recollected, that in treating of the causes of delinquency among the natives, I have necessarily been more particular in the enumeration of their vices, in which these causes originate, than their virtues. This one virtue of regard and affection to relations, is what I have repeatedly witnessed, and often has it induced me to love and respect the natives with all their faults. "Therefore, a son begotten by "him shall relinquish his own property, and "assiduously redeem his father from debt, "lest he fall into a region of torments.*"

Such

* "The ample support (says MENU) of those who are entitled to maintenance, is rewarded with bliss in heaven;

Such maxims as these, inculcating the duties of sons supporting their fathers, and of union among the members of the same family, have had an excellent effect; and it is the acknowledged duty, as it is the constant practice, of every Hindoo (who is sufficiently fortunate to obtain by his exertions a means of livelihood) to maintain his needy relations, until they can otherwise provide for themselves. In the houses of both the rich and poor, this is very remarkable; and we must be struck with the fact, that, excepting objects of incurable disease, the number of begging poor in this country is wonderfully small.

In their food, the natives are generally sparing and temperate; they are cleanly in

ven; but hell is the portion of that man whose family is afflicted with pain by his neglect; therefore let him maintain his family with the utmost care."

their personal habits, though slovenly to a degree in the internal management of their houses.

Even the worst of them have certainly some indefinable ideas of honour; and though they have very little regard to principle, in general, and will mislead and defraud us in money transactions, and, indeed, in many other situations, yet it is extraordinary, that when received into our houses, and having the various articles, whether of money, jewels or plate, once made over to them in charge, there is no country, I believe, in the world, where fewer instances of dishonesty are to be found. I have reason, however, to think, that this quality is decaying. To find out the causes of this, and to prevent their further effects, would be a difficult, though most important task. I am well convinced, that the natives have no gratitude; and if their honesty

nesty took its origin in their fear of the European character, at that period when the rapidity of our conquests had rendered even our name terrible, there is no doubt, that this fear must gradually decrease, by a more close intercourse with different ranks of Europeans, in that comparatively improved state of internal peace which the country at present enjoys. It is sad to think, that so good a cause should have so bad an effect.

I have enlarged the more on the subject of the native character among the Bengalees, because on an intimate knowledge of it alone can any system of police, or for the administration of justice, civil or criminal, be founded, which shall be attended with success; because it is to our ignorance of this character, that I ascribe the desire that has always existed, of introducing a system purely English, where such a system

never can have effect or energy, except under modifications which will make allowance for habits and prejudices that can bend to no law which is not of a divine origin, for on what the natives believe to be divine laws are these habits and prejudices founded.

CHAP. IV.

CHAP. IV.

SECOND CAUSE OF DELINQUENCY, VIZ. POVERTY OF THE LOWER ORDERS, FROM THE OPPRESSION OF THE *ZEMINDARY* SYSTEM, AND MORE PARTICULARLY FROM THE SUB-DIVISION OF LANDED PROPERTY UNDER THE *IJARADAR*, *KOTKINADARS* AND *DUR-KOTKINADARS*.

GREAT poverty among the lower orders in every country has an immediate effect in multiplying the number of petty thieves; and where the bounds of the moral principle have been once overstepped, however trivial the first offence, the progress is easy from petty theft to the greater crimes of burglary and robbery. The character once gone, there is no return to a virtuous course of life.

" *Facilis*

"*Facilis descensus Averni, sed revocare*
"*gradum,—hic opus, hic labor.*"

Poverty, or according to the definition of writers on police, *indigence*, may thus be said to be the nurse of almost all crimes. To find out the causes of poverty, and to attempt their removal, must, therefore, be the chief object of a good police; for, in every case, the prevention of crimes is better than their punishment.

One great cause of delinquency in Bengal may, I think, be traced to the unequal division of wealth among the higher and middle classes, excluding by far the greater part of the community,—the peasants and manufacturers; and this unequal division appears to me to be chiefly caused by the complete change which our Government has made in the condition of the *Ryots* or actual cultivators of the soil; I mean, by throwing the landed property into the hands

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of the *Zemindars.* This change was, indeed, made with the best intention, that of improving the condition of the natives, while it secured to our Government a fixed revenue in perpetuity, without loading it with the expence and trouble attending the collection of such revenue. It was, indeed, an arrangement of political convenience; but there is not a doubt, but those who made it entertained a belief that it would greatly *improve* the condition of the peasants.

In conducting the affairs of India, and in our different arrangements for the improvement of the condition of its inhabitants, if we think as Europeans, and apply European principles, we shall inevitably err. There is not only a wide difference in the ancient form of government and the land-tenures of the two countries; but in the character and disposition, the religion and manners of the inhabitants of each; and it is vain to expect, that the application of the

same

same principles is to be attended with the same effects in Bengal as in Europe.

The generous and open disposition of an Englishman, inclines him to ascribe to others the same worthy motives of conduct by which he feels himself influenced; and that distinguished Statesman, who made the arrangement of the perpetual settlement, expected, as a natural consequence of that settlement, which divided the country into large estates, and gave the *Zemindars* a perpetual interest in them, that they would study the improvement of their lands, and depend on this for the acquisition of riches, though at a distant period. This notion was purely European. The disposition of the Bengalee is rapacious to a degree that can hardly be conceived, and the *Zemindars* have, with one consent, adopted the easier method of acquiring wealth, by subdividing their lands, and letting them out in farms, at short leases, to the highest bidder. It is

is evident, that by this system, the grand spring of all agricultural improvement is removed, viz. the enjoyment, on the part of the cultivator, of a life-interest, or at least an interest of a long continuance, in the land. The *Farmer* who thus has now but a few years interest in his farm, studies to make the most of it, and, copying his superior the *Zemindar*, lets out his farm in small portions to under-farmers, at an advanced rent. Successive sub-divisions, to an unlimited extent, thus enhance the rent of the land, and it at length falls on the actual cultivator, with a weight which for ever crushes all hopes of gain. The lands are pushed to the utmost; the crops are seized by one or other of these rack-renting harpies; the peasant lives for a while on the money of a *Mahajun* (or money lender), and when, at length, he is pressed on all sides, he takes advances from different indigo and silk factories, which he well knows he can never pay; he is now harassed by his landlord, by his *Mahajun*, by

the *Gomashtas* and officers of the factories; he must either flee the country or steal, to enable him to find subsistance. Attachment to his native village, perhaps the strongest principle in the Bengalee character, induces him rather to become a thief in his own country, than to flee to another where he has but little chance of success. This is no exaggerated picture; I have frequently seen it realised.

We are here, certainly, treading on very delicate ground; in getting on the grand question of the *Zemindaree* tenures of India, which has been so often and so keenly discussed. I have no wish to enter into a long detail, or to weigh the merits of the arguments brought forward on both sides of this question; but, in mentioning effects, it is difficult entirely to separate them from their causes, and there is perhaps no impropriety in stating an opinion regarding an arrangement which is now decisive. For if it is

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a bad arrangement, although we may not have it in our power entirely to remove it, we are yet fully entitled to remove those abuses originating in its introduction. This right still remains with Government, from the reservation left to it in that clause of the Regulations, which provides, "That nothing "specified in these Regulations is to inter-"fere with the right of the Governor-Gene-"ral in Council, to enact at any future pe-"riod such laws as he may deem proper for "the improvement of the condition of the "*Ryots* or labourers of the soil."

I conceive that the *Zemindars* had never any other right or property in the soil, than what they *usurped* in their capacity of *collectors* of the revenue for Government: That property in the soil was vested, first, in the *Sovereign*, as absolute Lord; and that the right of possession under the sovereign lay with the *peasants*, or actual cultivators of the soil, subject, however, to a rent in money

money or produce, payable to the sovereign: That the sovereign in most cases collected this rent by means of intermediate *agents* or *collectors*, which collectors, from their situation, were possessed of very great influence over the *Ryots*: That an allowance of land was made them by way of salary; and that besides this allowance, the extent of which they increased by unwarrantable means, they were often *Farmers* of the whole revenue collected from the district under their charge, stipulating with government for a certain sum only, but (owing to the laxity of government) often collecting from the *Ryots* whatever they chose: That their offices were generally, though not necessarily, *hereditary*, and that, possessing this influence, they had assumed the rights of *proprietors*; they were, however, mere *servants* of the prince, who could *fine*, *imprison*, or at any time *dismiss* them from their offices: That to constitute these offices, a *sunnud* or commission was always necessary: That

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so far from being similar to the *great landed proprietors of Europe*, the *Ryots* or peasants of the several estates or districts under their charge, have always possessed, and to this day, in many places, exercise, the right of disposing of the lands by sale, gift, mortgage, &c. without even a reference to these *Zemindars*,—a right which few landed proprietors in Europe would be willing to acknowledge in their tenants.

To this account of the state of landed property there were indeed exceptions; the prince having the power of giving land as a *talook* or separate estate, and rent-free, under the various denominations of *Lahraje, Jagheer, Birt, Birmooter, Aymah, Mududmash, Altumgah, &c.* These were presents of land to individuals, either for services received, for religious purposes, or as the prince's will or caprice might dictate; and such power on the part of the prince appears to me a sufficient proof that *he* was

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the first and absolute proprietor of the soil.

To those who are interested in this subject, I recommend the perusal of the following books: Colonel PATON's work, entitled "Principles of Asiatic Monarchy," but which might be more properly called a Treatise on the Land-tenures of the East. Mr. JAMES GRANT's Treatise on the same subject. Mr. LAW's book, entitled, "A Sketch "of some Arrangements in Bengal," published in 1792. Mr. COLEBROOKE's "Re"marks on the Husbandry of Bengal." Mr. E. COLEBROOKE's "Supplementary "Volume to the Digest of the Regulations;" and Mr. HARRINGTON's "Analysis."*

It

* Since writing this chapter, I have received much interesting information on this subject from the perusal of the 5th chapter of Colonel WILKS's History of the South of India, aud from the Fifth Report of the Committee of the House of Commons; which Report I strongly recommend

It would be very tedious, and perhaps attended with little advantage, to give an abstract of the arguments used by these gentlemen. I shall rather devote a short space to the enumerating those various changes which took place previous to this our last arrangement, by which we gave the country to the *Zemindars*.

The former state of the country, as well as its present condition, ought both to be known to the Judge and Magistrate, who seeks to improve the condition of the people. Indeed, he cannot make his reading and researches too general on these subjects, as many arrangements in police are intimately connected with the land-tenures, the revenue,

recommend to the perusal of all those who are interested in the affairs of India, as containing a most enlightened, impartial, and candid statement, deficient only, as every European production must be, in a knowledge of minute circumstances.

venue, and the commercial concerns of the country.*

After noticing these changes, I shall state from my own observation, the effects which have already followed the new system. If the reader of Colonel Paton's work is not sufficiently satisfied with his arguments, he may find some new matter in support of his conclusions, in the former state of things, and the arrangements of Government here described. For a more full detail, he is referred to Mr. Colebrooke's "Digest."

In August 1769, a covenanted servant of the Company was appointed to each district,

* To the Revenue Servant this abstract of arrangements will possess manifest utility:—they will afford an admirable code of instructions in his duty, and supply him with an extensive range of subjects for research when his leisure will permit of such pursuits.

trict, and styled a Supervisor. These supervisors were ordered to attend to the following particular heads of information.

1*st*, A summary history of the district.

2*d*, The state, produce, and capacity of the lands.

3*d*, The amount of the revenue of the cesses, or arbitrary taxes, and all demands made by Government, the *Zemindar* or *Collector*, on the peasant, with the manner of collection and gradual rise of each impost.

4*th*, The regulation of commerce.

5*th*, The administration of justice.

1*st*, "A summary history of the district or "province."—Here they were ordered to attend to its former and present constitution. An account of its possessors and rulers; revolutions in their families; their particular rights, customs, and privileges.

 2*d*, The

2*d*, "The state, produce, and capacity of "the lands."—Under this head they were ordered to attend to the following objects;

The procuring a complete *hustobood* or rent-roll, with original measurements, boundaries and divisions. The changes which chance, favour, or oppression, may have produced. The *Zemindars*, it was declared, had taken and possessed many tracts of land rent-free, on various pretences, and for various purposes.* The abuses in the bestowal and sale of *talooks* were remarked as notorious. Charitable and religious donations of land, which successive princes had made, it was remarked, formed a considerable part of each district. The supervisors were to examine the terms of *jagheers* and *talooks*, the gifts of the reigning power, and to

* From whom, it may be asked, had they obtained this land, if it was already their own right as landed proprietors?

to give an account of the land cultivated by contract, called *Khamaa*; the *ryottee* land, or that cultivated by the peasants, on the spot; and the *khas* land, which was under the immediate eye of Government.*

3*d*, Under the head of "Accounts of the "Revenues, Cesses, Arbitrary Taxes," &c. they were required to attend to the taxes imposed by the *Talookdars*, which are here described as serious grievances. The various unjust demands made by collectors under

* At this time, then, the land seems to have divided itself into *Talooks*, the gift of Government; charity lands, the gift of Government; *Jagheers*, the gift of Government; *Khas* lands, or those under the immediate management of Government; *Khama* lands, cultivated by contract with Government; *Ryottry* lands, paying rent to Government, and cultivated by the occupying peasants; and that portion which the *Zemindars* had appropriated to themselves, on various pretences, and for various purposes. At this time, certainly, we do not hear of their pretending to be *the great landed proprietors*.

der the denomination of *Aumils* or *Zemindars*, and by their petty officers, without colour or licence from Government. They were to check the abuses in the conduct of *Darogas, Cutwals*, aud *Paicks*. They were to fix the amount of what the *Zemindar* received from the *Ryot*, as his income or emolument; *and in this the Zemindars were said to exceed all bounds of moderation, and to take advantage of the insufficiency of the restrictions upon their conduct.**

They were finally to assure the *Ryots*, that they would stand between them and the hand of oppression; that they would redress their wrongs; that the calamities they had suffered had proceeded *from an intermediate*

* Such observations could scarcely be made regarding the management of their own estates by the great landed proprietors, although they convey a most just description of the *Collectors* or *Zemindars*.

*diate cause; and that, after paying the legal dues of Government, they might rest secure in the enjoyment of the remainder.**

Here was a solemn promise made on the part of Government, that they would protect the *Ryots* against the oppression of the *Zemindars*. How far this promise has been fulfilled, the present state of the country, and the condition of the peasants, fully shew; and when we are told that Government have pledged their word, and that no infringement of the new system can now take place, it may be asked, whether there did not exist a previous promise and pledge, in the redeeming of which our honour, as a nation, is most materially involved?

4th, Under

* What, it may be asked, was this intermediate cause, and who were the oppressors of the *Ryots*, unless they were the *Zemindars*, whose rapacity has already been described?

4*th*, Under the head "Regulations of "Commerce," they were ordered to attend to the abuses practised by public and private agents, also to the knavery of the *Pykars* and *Dulals* (brokers,) who preclude the access of the *Ryots* and manufacturers to our tribunals: To the increase and decrease of manufactures, and the price and quality of the goods, as well as the taxes and other restraints: To the different channels through which the various manufactures have been diffused: To the proportions sold to the English, French and Dutch, as well as other foreign and native merchants: To the rise and fall in the demand on each article.

They were required to abolish the impositions of *Gomashtas*, *Pykars*, *Dulals*, and the whole chain of agents, between the loom of the manufacturer, and the ultimate market of the merchant or exporter; so that clandestine agreements might no longer exist,

ist, "*to the utter destruction of the poorer classes.*"

5*th*, Under the head, "Administration of "Justice," they where to direct their attention to the effects which the original customs, and degenerate manners of the Mussulmans had produced, in confounding the principles of right and wrong. The administration of justice had become a source of mere revenue to Government, and gain to the individuals employed in it. All crimes had their fixed prices of absolution, and even murder was punished by a fine. The supervisors where ordered to enforce justice, and not to allow of fines: To recommend arbitration in cases of disputed property. Under the native governments, few if any records or registers where to be found of causes decided. It was thus difficult to impeach the decision of a judge at any after period. They were, therefore, ordered to keep records of all trials and causes, and to

transmit

transmit one copy to Government, by which all sentences in capital cases were to be confirmed.

"These were the objects of inquiry pointed out to the supervisors, and instructions were at the same time given them, regarding the method of conducting their inquiries. These instructions correspond with the separate heads above mentioned; and as they are interesting to the judicial, and most useful to the revenue servant, I shall give a short abstract of them, referring the reader for a fuller account to the able Minute of Mr. Verelst, recorded in Mr Colebrooke's Digest.

History of the Province.

They were ordered to go no farther back than the reign of Shujah Khan, as no alterations had then taken place in the boundaries and divisions of the provinces. Where the records in the public *cutcherries* or offi-

ces

ces were found faulty, mutilated, or altogether deficient, they were to refer to the best living authorities, taking care to avoid drawing information from interested persons, or those whose opinions might be tinctured with the prejudices of education, habit or superstition.

The State, Produce, and Capacity of the Lands.

Here in forming the *hustobood* or rent-roll, they were ordered to make use of the rent-rolls of the *Zemindars* or *Collectors* only as affording an access to further information. These records were declared to be false, and made to deceive Government regarding the collections. They were to use them as a light, by which to discover the degree of oppression which the multiplication of *Collectors* had brought upon the *Ryots*.

They

They were next to proceed to an actual survey and investigation upon the spot, of the quantity of land, and the rents paid. For this purpose they were to demand from the *Zemindars* or head *Collectors* the *hustobood* of the whole, also from each of the smaller *cutcherries* of the under *Collectors*, however insignificant, a *hustobood*, and the *pottahs* or leases delivered to each *Ryot*, containing the amount of land given to each, and the rent paid. By comparing these smaller divisions with the general *hustoboods* of the *Zemindars* or *Collectors*, they were to find out their deceptions, and ascertain the real state of the country and its revenues. They were also to cause a measurement to be made wherever the accounts were supposed to be fallacious; "that no collusion, "on the part of the *Zemindars* or *Collectors*, "might retard or counteract these important "ant inquiries, and they were to hold out "to them the fear of losing their *Zemin*-"*darees* or employments."

They

They were then to bring home the matter to the *Zemindars*. By comparing the *hustoboods* given in by the *Zemindars* at three different periods, viz. the reign of Shujah Khan, Alla Verdi Khan, and the present time (1769), with those obtained from the smaller districts or divisions, the quantity of the land which the *Zemindars* had usurped from Government would be seen. The fraudulent practices of the under *Zemindars* or *Collectors*, were also to be exposed, by a comparison of their *hustoboods* with the *pottahs* or leases of the *Ryots*, and with the results of actual measurement. All lands found to have been thus illicitly dismembered were to be immediately resumed, and annexed to those of Government.

Besides lands thus usurped, notice is also taken of the lands allowed to the *Zemindar* rent-free, as possessions to supply his family with the necessaries of life, under the different denominations of *Neezjote*, *Nankar*, &c.

&c. and it was stated, that there was just cause for the belief, that they had made use of their power as a cover for the appropriation to themselves of the lands of Government.

They were to redress the abuses practised by the *Zemindars*, in collecting provisions for their families and dependants, (termed *seedee)*; in imposing taxes on the *Ghauts* and markets, in demanding gratuitous labour from the peasants, and in levying an arbitrary discount on rupees, called *Batta.*

They were to call on all persons, to deliver in, on pain of forfeiture, correct statements of the lands possessed by them as *jagheers*, *talooks*, or religious donations. These, except in cases where they were confirmed by the Nabob, were to be forfeited to Government. The frequent grant of *talooks*, it was stated, had been injurious to the country, by confining the population to

those

those small favoured spots where the peasants were more lightly taxed than their neighbours, and every encouragement held out to entice them to cultivate these lands to the prejudice of the rest of the country. The supervisors were, therefore, ordered to detect all flaws or impositions in the *talookdary* and other *sunnuds*, and to report them. They were to appoint a day for the registry of all *sunnuds* or grants, and to distinguish where *jagheers* had been granted for the period of the occupant's life, and where they were to be hereditary. They were to investigate the causes which led to the multiplication of the *khas* lands, or those lands which, from the mismanagement of the farmers, had reverted to Government, and were managed by it. Public notice was to be given, that the Government was ready to let those lands out in farms, for two, three, four or five years, at a gradually increasing rent. After five years, they were to pay the same rent as the other lands.

The *comar* lands were generally cultivated by occasional and temporary contracts between the *Zemindar* and the *Ryots*. The tenor of the agreement was commonly one-half for the *Zemindar*, the other for the *Ryot*; but the *Zemindar* had been guilty of great oppression to the *Ryot*, and fraud to Government in taking more than his share, and concealing these gains, as well as the just proportion due to Government. They were to encourage the poor and idle in the neighbourhood of the great towns and villages, to resort to the *comar* lands, and convert them into *ryotty*.

Regarding the *ryotty* lands (or those in regular cultivation by the peasants on *Pottahs* or leases,) they were to make small trials of the actual produce of particular parts, and then form an opinion of the capability of the whole. This might be further checked by a comparison with the pro-

duce

duce of the *comar*, *talookdary*, *jagheer*, and other lands.

It was the interest of the *Zemindars*, when any tract of land had been reported waste, never again to let it appear in the books of Government, but when brought into cultivation, to appropriate it to their own use. All such lands were to be resumed.

They were to attend, then, to the arbitrary taxes or cesses imposed by the *Zemindars* and under-collectors. The pretexts and artifices made use of by the *Zemindars* were said to be innumerable. If a marriage took place, the peasant was taxed. If a child was born, an honour conferred, a luxury indulged in, or a fault committed, he must pay for it to the *Zemindar*. They were to obtain information on this head from the *Ryots*; and to get an account of the number, pay, and distribution of the *Darogas*, *Paicks*, and *Cutwals*, who were well known to exact

 provisions

provisions and money from the *Ryots* under various pretences. These were to be put on an established allowance, wherever it could be done, instead of granting them land, which conferred power, and which was abused.

They were to make out a list of *Ghauts* and markets, with the various taxes, legal and illegal, which were levied on the peasants and dealers. They were to ascertain the extent, value, and quality of the exports and imports of the *Ghauts* and markets bounding the province, and by this means to ascertain what commodities each province could spare to its neighbours, or to general commerce.

Having collected these materials, they were then to form a complete *hustobood* or rent-roll, and to give a detailed statement of the divisions, boundary, extent, produce, quality, and rent of all lands in the province,

vince, of the cesses or taxes, the price of commodities, of labour, &c.

Regulations of Commerce.

They were, by inquiries on the spot, conducted in a secret manner, and by means of disinterested persons, to ascertain, first, the prices agreed on by the manufacturers with the intermediate brokers, called *Dulals, Pykars,* &c. and, secondly, The real market-price, or price of sale. By this means, the enhancement on the price of articles, caused by the fraudulent practices of these agents, would be ascertained. They were, on all occasions, to encourage the resort of the manufacturers, or their relations, to the markets, and the disposal of their goods without the intervention of agents.*

 Besides

* In India, the first sale of articles generally takes place at the *hauts* or fairs, which are commonly held a short

Besides the per centage here noticed, they were to direct their attention to the suppression of the practice among the agents, of lending out money in advance, and then demanding,

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short distance from the village of the manufacturer. No great loss of time could therefore be occasioned by their repairing in person (as here suggested) to the markets. The existence of *intermediate agency* is the bane of Indian trade. It is universal, extending its influence not only over the public markets, but over the retail trade, and the purchases made in private families; the person who pays your servants, and, even where you pay them yourself, the man most in your favour, receives a small portion from the wages of each. If a *Sircar* is kept in the house, he has his fees from the tradesmen who furnish the necessary articles of food, apparel, &c. Where there is no *Sircar*, the favourite servant receives this allowance. In all purchases from the *bazars*, or from native shopkeepers, the per centage allowed to your servant openly is two *pice*, or about a penny in the rupee or half-crown. But this charge is modest, compared to the commission which a competition of tradesmen will ensure to your servants, where many are anxious for your employment. This shameful practice affects the buyer as

demanding, as premium or *nuzzerauna*, enormous interest, as well as fines for non-compliance with the agreement. By this means they got the natives into their power, and then preyed on them without mercy.*

as well as the seller; for where a large proportion of the price is given to your servant, as the intermediate agent, the price charged to you must be enormous, or the articles must be bad, or the tradesman must be a loser.

* This is a very common practice among many of the professions in India. A *Sirdar* or headman, stands up as agent for supplying workmen of the profession to which he belongs. He receives your advances in money, and by lending small sums to those who may be in want, or to the dissipated, he has always a number of men whom he can force to work on perhaps one half the wages which he receives from you on their account. He keeps these poor wretches continually in his debt, never settles accounts with them, and if they are at all troublesome, he threatens them with a jail. If in India you wish to go a journey, you are carried by poor half-starved

They were, finally, to inculcate the doctrine, that agriculture and commerce mutually support each other, and that the great object of our Government was, by a free encouragement of both to render the situation of the *Ryots* easier and happier.

Administration of Justice.

They were to procure registers of all persons, whether Mahommedans or Brahmins, who exercised judicial authority in the villages, to make them produce their *sunnuds* or commissions, and by this means to detect impostors,

starved and grumbling wretches, while you pay to the *Sirdar*-bearer, or into the post office, enormous wages. If you wish for a boat to go on the river, you must send for a *Ghautmangee*, who receives the money, and mans the boat with his own needy and discontented debtors, half of whom run away. You can scarce have a workman of any description without the interference of a *Sirdar* or agent. This is a serious evil,

impostors, as well as to establish a check on those really authorised. They were to check the improper use made by the Brahmins, whether from pecuniary motives or private spite, of wantonly depriving the Hindoos of their cast. The right of supremacy in restoring to cast was to be preserved in our hands, as it had been in those of the Mussulman rulers.—Some very excellent general advice followed these instructions, and the whole paper is well worth the attention of the reader.

In forming this and other abstracts of revenue and judicial arrangements, I have studied to preserve, as far as possible, the language of the original documents, as given by Mr. Colebrooke. There are many important passages in these arrangements, which more particularly merit the attention of the reader who is interested in the question of the *Zemindary* tenures. They clearly shew the opinion entertained at that time by one of the ablest of the Company's Servants.

In

In 1772, the Court of Directors removed Mahommed Reza Khan from his situation of *Naib Dewan*, and stood forth themselves in the capacity of *Dewan*. The Chief and Council of Revenue at Moorshedabad were appointed to the charge of the office *Dewanee*, and all the Collectors, *Zemindars*, *Foujdars*, *Tichsildars*, officers of *Kutcherries*, *Naibs*, *Mundils*, *Ryots*, and others concerned, were ordered to pay obedience to the Board. Its duties were declared to be, 1*st*, The appointment of *Aumils* into the *Mofussil*: 2*dly*, The collection of the Revenues of Districts, and whatever belonged thereto: 3*dly*, The *bundobust*, or settlement of Pergunnahs: 4*thly*, The formation of *sunnuds*, or grants for *talooks*, *jagheers*, *burmooter*, *duveetter*, or other charity and donation lands: 5*thly*, The formation of a *hustobood* or rent-roll: 6*thly*, The incorporating or separating one district with or from another: 7*thly*, *The constituting or dismissing Zemindars*, with the consent of the *Nazim*: 8*thly*, The cultivation of the country, and whatever tends

to

to increase the revenue: *9thly*, The cognizance of all complaints against *Aumils*, and *Zemindars*: *10thly*, The ascertaining of boundaries, and the adjustment of all complaints, excepting those deserving a capital punishment: *11thly*, The issuing of *pergunnahs* to enforce payment of revenue, and the calling out of the *mofussil* on the complaints of the oppressed.

After the assumption of the *Dewany*, the Revenue concerns of Bengal were managed by the Company's Servants, constituting different Councils, Boards, and Commissions, under various names, and with various success. Settlements of the Revenue were made for short periods, by way of experiment: at one time, these arrangements supported the claims and rights of the *Ryots*; at another, the authority and influence of the *Zemindars*. It is interesting to notice the different arrangements made successively, from the year 1772 up to the year 1793, when the

the final settlement was concluded with the *Zemindars.* For each of these seemed to teach us the lesson, that we were as yet very ignorant of the resources of the country, and the condition of the inhabitants. But the reader must have recourse to Mr. COLEBROOKE'S "Digest," for information on this subject. It was only my intention to have given those extracts which would be sufficient to shew the former state of things; and I have, perhaps, already been too tedious. I must now proceed to describe the present situation of the country; and I am afraid, there will not be found that change for the better, to which, in forming this final settlement, the worthy and noble Legislator looked forward with confidence.

Had the character of the natives resembled that of Europeans, the settlement of 1793 had then been the wisest and most beneficent for the country; but we trusted in the *Zemindars,* and they deceived us.

In

In 1793, a proclamation was issued to the *Zemindars*, independent *Talookdars*, and all other *actual proprietors of land** in Bengal, Behar, and Orissa, of which the following is the substance.

The Regulations, passed successively in September 1789, November 1789, and February 1790, for a ten years settlement of the Revenue, had signified to the landholders that such settlement would be made perpetual, if approved of by the Court of Directors. They are now informed, that the settlement has been approved of, and is to continue for ever.

This

* In this proclamation, as in all the subsequent regulations of Government, a new language will now be discerned, many of the terms in which, such as *Zemindars*, *Collectors*, *actual proprietors*, &c. have not yet met with a clear definition among Europeans, and are altogether unknown to the natives, in their new significations.

This settlement is made with the actual proprietors of lands, viz. *Zemindars*, *Talookdars*, &c.

Those *Zemindars* and independant *Talookdars*, whose lands had been taken from them and held *khas*, are now permitted to regain them, on paying the assessed *jumma* to Government. This assessment is to be made according to existing regulations, and then to continue fixed for ever. As the settlement is highly favourable to the *Zemindars*, independant *Talookdars*, &c. they are not now, as formerly, to expect any remission of their rents, on account of drought, inundation, or other calamity.

The Governor in Council reserves to himself the power of enacting, at a future period, any regulations he may judge necessary for the welfare and protection of the Ryots. The *Zemindars* are to have no interference in the collection of the *sayer* or internal duties and taxes,

taxes, should Government, at a future period, think fit to renew them.

All lands proved to have been illegally held, and consequently alienated from their former proprietors, shall be assessed and managed, as Government may think fit.

The fixed perpetual assessment is not to include the allowance made in money and land to the *Zemindars* for maintaining Police establishments.

The *Zemindars*, *Talookdars*, and other proprietors of lands, are declared competent *to sell, or otherwise dispose of, the whole or part of their estates without applying to Government*, provided such sales or other alienations be made according to the Hindoo or Mussulman law, as the parties may be Hindoos or Mahommedans; provided also, that

that the sales be not repugnant to any of our present or future regulations.

* Whenever an estate shall be publicly or privately sold, or where it shall be divided into partitions as independant *talooks*, such divisions shall be specified to the Collectors, in order that the assessment be made on the respective shares proportionably to each; and where the party so dividing an estate shall neglect to notify it to the Collector, the whole estate shall be held responsible. No sale or alienation of land, as a dependant *talook*, or in farm, shall affect the demands of Government, or free the independant *Talookdar*; and he alone shall be responsible. When the estate of an independant *Talookdar*, *Zemindar*, or other actual proprietor, shall be sold in parts, the assessment on the part sold shall bear the same proportion to the assessment on the whole, as that part bears to the whole; and estates so sold, shall bear such assessment for ever. As the

the assessment has been regulated by the actual produce, this actual produce shall be ascertained by the regulations already enacted, or those which may hereafter be enacted; and where only a part of an estate shall be forfeited and sold, the assessment on the part sold shall bear the same proportion to the actual produce of that part, as the assessment on the remainder of the estate bears to the produce of such remainder.

Where a sale takes place of *khas* lands, all, or a part of which is then in farm or lease, the purchaser shall receive, during the remaining years of the said lease, whatever rent the old proprietor was entitled to, under the regulations. The rate of assessment after the expiration of the lease, shall be specified at the time of sale, and shall continue the same for ever.

When a *Zemindar*, *Talookdar*, or other actual proprietor, shall be in the receipt of

the *malikhana* or tithe of his lands, in consequence of their being held *khas*, or let in farm by Government, and such proprietor shall transfer by private sale, gift or otherwise, his right to the whole or part of such lands, the *malikhana* shall be then received by the purchaser, either from Government, if the lands be held *khas*, or from the farmer, if they be let in farm.

Government, in this proclamation, also signify their intention of forming courts of justice throughout the country, to redress the grievances of the inhabitants.

The different regulations on the subject of land revenue, which have succeeded this proclamation, have invariably maintained the rights of the *Zemindars, as actual proprietors of the lands*; although from the restraints wisely imposed on them by Government, in specifying the terms and duration of their leases, and insisting on their making

making out these last in writing, their proprietary right was for some time rather a limited one, according to our European ideas of property. In 1812, however, a regulation was passed, permitting them to let out their lands, with or without agreements, and for any length of time they might choose.

This I consider to be the last and severest blow struck at the ruins of an ancient and venerable superstructure, which, founded on the rights of the peasant, had stood unmoved during the various changes and vicissitudes of the governments of India.

It is high time, now, that we look to our Courts of Justice, and improve our Police; for to these alone can the peasants look up for the redress of their wrongs. We have thrown away our power over the land revenue; we can no longer provide for any emergency by its increase. It might easily be shewn, that we have thrown away our

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only remaining resource, at the same time, namely, that arising from the imposition of taxes on commerce. We have, indeed, humanely, kept in our own hands the right of redressing the grievances of the poor *Ryots.* But as the energy of our Judicial and Police Establishments will only be in proportion to the expence incurred, the resources which we have left for their maintenance will be barely sufficient. We may, indeed, look forward, with hope, to a future, though distant period, when things shall assume a more pleasing aspect. These *Zemindars* cannot for ever tyrannize over the *Ryots.* When their present system of immediate gain, by underletting and subdividing their estates, has ruined the greater part of their lands, and they can no longer find purchasers, they may open their eyes; but, if we consider the character and prospects of those who are gradually seizing on the land in Bengal, and the nature of this speculation of land-holding, we shall find, that a long period

must

must elapse before our hopes of amendment will be fulfilled. In the mean time, vice will gain ground; and as the measures of Government shall be energetic or remiss, we shall have occasional years of tranquillity, or of theft, *Dacoity* and murder.

There is not an indigo planter, who has resided for any length of time in the *Mofussil* (the interior), who will not vouch for the truth of the following description of the present condition of the peasants, and the oppression of the *Zemindars*; but to those among the Magistrates who reside invariably at their *Sudder* Stations, and only hear the complaints of the *Ryots*, through the medium of *Zemindary Vakeels*, who support their constituents; of *Aumila*, who are in the pay of *Zemindars*; and of *Darogas*, whose character would suffer, where they to acknowledge that the *Ryots* where oppressed: To the Courts of Circuit, who only hear what the Magistrates lay before them: To the

the Boards of Calcutta, who have their knowledge from the reports of *Zillah* Magistrates and Collectors, or from papers: To all of these it will appear that I have exaggerated. However honourable, however upright men in office may be, they will ever be unwilling to allow that their measures are unsuccessful.* Were it possible, however, that

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* Since writing this Chapter, I was struck with the truth of a passage in the Fifth Report of the Committee of the House of Commons, which I cannot help here quoting, as it seems applicable to the subject. Speaking of the Reports of the Court of Circuit, they make the following observation: "It is hardly to be supposed that in describing the effects of a new system of internal administration, any of the public servants would lean to the unfavourable side, or, without sufficient foundation transmit accounts which it would be disagreeable to the Government to receive. A communication of this nature might be rather suspected of painting things in colours pleasing to the Government, with the view of bringing the writer into favourable notice; but no motive can be assigned for a wanton provocation of resentment in a quarter where it must always be the interest of a public servant to stand on favourable ground, by misrepre-

that Judges in the different *Zillahs* as well as the Judges of Circuit, should occasionally visit their Districts incognito, they would be convinced of the truth of this statement.

Were they in person to behold the extreme poverty and distress of the peasants, in consequence of the arrangements of the petty landholders and under farmers, they would be shocked with the extent of the evils resulting from the excessive subdivision of property. It is a system, which, conducted as it now is in India, calls loudly for redress, threatening in its consequence, not

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misrepresentation, or any statement of facts and opinions, which the writer does not believe to be accurate and well founded." From this disposition to stand on favourable ground with Government, many may feel unwilling to tell them, that their measures are not attended with success; but it is the want of a nearer inspection of the condition of the *Ryots* that is the cause of the evil, for I am well convinced there is not in the Company's Service a single officer who does not believe implicitly in the Reports he makes to Government.

the partial loss and impoverishment of some parts of the land, but the general ruin of the country.

This trade of holding lands, and making money by them, has become much more extensive than formerly; indeed, there is scarcely a native, however low, who does not boast of his *Zemindary*, and confidently rest on it his hopes of making a fortune. There are two ways of doing this; and the one is as commendable and difficult, as the other is iniquitous and simple.

When the Bengalee has these two before him, his natural laziness and total want of principle do not suffer him long to hesitate which to choose. His first thought, therefore, when he purchases a *Zemindary*, is not, how he shall improve his land, cherish and support his *Ryots*, and, by labouring in doing well, procure, after a time, both a fortune and a good name, but how he shall, in

in a short time, amass a great fortune, and afterwards leave the lands to the next possessor to make the best of their remains.

Accordingly, we find, that most of the *Zemindars* in Bengal give out the lands in farms, and under-farms at short leases. These are termed *Ijaras*, *Dur-ijaras*, *Kotkinas*, *Dur-kotkinas*, *Putnees*, *Dur-putnees*, *&c.* the terms varying in different *Zillahs*. There is a difference between the *Kotkina* and the *Putnee* Tenure; but the evil effects of both are the same. By both of these the landholders amass riches, while the country and the poor peasants are ruined. For example, a native purchases a *Zemindary* at a stipulated yearly revenue of 24,000 rupees, (the case is not an imaginary, but a real one); he keeps it during a few months, and, after an investigation of what it is likely to bring him he makes his bargain; an offer is made him of 29,000 rupees yearly for three years; he accepts, being a clear gain of 5,000 rupees yearly, without the slightest

trouble

trouble on his part. The present owner then argues thus with himself: "I have "taken this *Zemindary* merely on specula-"tion; after three years, I am to give it "back; but I shall take care to make the "best of it, and extort as much as I can out "of my *ryots*. To do this in the easiest "way to myself, I will give it out in ten "small *kotkinas*, at three years lease; those "ten *Kotkinadars* shall pay me 32,000 "rupees yearly. They may get the money "as they like from the *Ryots*. After three "years, their lease, as well as mine, will be "out, and the *Ryots* may then shift for "themselves." These ten *Kotkinadars* have the same worthy motive; and as they do not love much trouble, they generally give all or many of the villages in *kotkina* again. It now acquires the name of *Dur-kotkina*, and thus may go through a dozen of hands, the shares being subdivided, the rent being enhanced by each subdivision, and the term changed to *Dur-dur-kotkina*, *&c.* This enormous advance must at last come from the

the poor *Ryots*. If they can pay it, so far well; more they cannot do; and they must, therefore, always remain in a state of miserable poverty.

Agriculture can never prosper, while the condition of the actual cultivators is so wretched. Experiments tending to improvement can only be made by men of some weight and capital, and of liberal ideas. These we formerly had in the head *Ryots* of the villages; many of them were farmers of the whole village. All had a degree of authority and power. From the care they took of the peasants, and from the improvement in agriculture, their own interest was promoted, and they possessed the affections of the inhabitants who flourished with them. From being possessed of a little capital, they could, and often did succour the distressed, and promoted improvements. The place of these valuable men is neither supplied by the *Zemindar* nor the *Kotkinadar*, and they are now mingled with the

the rest of the *Ryots* in the same general mass of poverty and vice.*

All these under land-holders have, independent of the high rent demanded, various means of oppressing the *Ryots*, and making the best of their lands. Perhaps some respectable man has given away at a marriage or otherwise, a small portion of land to a needy dependent, but has not thought it necessary to give him a regular *sunnud* (or grant). The *Kotkinadar*, taking the law into his own hands, demands a sight of the title-deeds, and not receiving them, disposes of the land to his own friends. Another poor *Ryot*, having scraped together a small sum of money, (which, as it is at the present

* I perceive from the Fifth Report of the Committee of the House of Commons, that this renting and under renting is described by the Committee of Circuit at Madras, as the immediate cause of the impoverishment of the lands. The enormous gains of these under-farmers prevent the possibility of the peasants ever gaining more than a mere subsistence.

sent day a miracle, ought the more to be encouraged), has planted a few trees; the new *Kotkinadar* must have a *jumma* or rent for these. A third has a piece of land for many years, calling it ten *bigahs*; the new *Kotkinadar* tells him he must either pay so much, or have his lands measured. The poor wretch well knows what he has to expect from the measurement of a *Kotkinadar*, and he will rather pay than have his little piece of ground limited, as it may probably contain a few divisions more than was stated, and from the cultivation of which alone he can afford to pay the enormous rent of the landholder.

In short, their devices for making money are innumerable; and at the end of their leases, by threats, and by enforçing the seventh regulation, the very name of which strikes terror into the *Ryots*, they compel them to pay their rents. No matter if successive bad seasons (as was lately the case)

have

have reduced them to the lowest ebb. No; *the lease is hastening to an end, and they must make the best of it, let the consequences be what they may.**

The

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* In *Zillah Kishenagur*, in the year 1809, the situation of the *Ryots* was really shocking. In the month of Bhadoom 1207, B.S. (or 1801), an immense overflow of the rivers took place; the crop was then on the ground almost ripe, and was of course totally destroyed. In the month of Assun the waters began to subside, and the natives sowed *Kullay Mutter*, &c. (species of vetches). This succeeded, and saved them from immediate want. In 1802 another overflow took place. The crop was then on the ground ripe, and very little of it cut; the remainder was lost. This year the price of rice, which on an average sells at one rupee *per maund* (about 80 lbs.), rose to two rupees, and other provisions in proportion. In 1803 there was no crop at all, for want of rain. In 1804 the same was the case. In 1805 and 1806 the crops were pretty good; but in 1807, when the *Ryots* were beginning to get over their difficulties, half the crops were lost. In 1808, for want of rain, not above half the crops came up. In 1809 it was the same. The effects

The lower Bengalees have no idea of amassing money. They live from day to day; and when a bad season comes, or any other calamity befals them, they have not their little store from which to take and support themselves, until the storm blow over.

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effects of so many bad seasons on the *Ryots* may be well conceived. They were not under the eye of those actual proprietors of the land, who, by pressing lightly upon them in their adversity, might have prevented their ruin; but under *Dur-Kotkinadars*, &c. who cruelly oppressed them to the utmost; themselves afraid of not being able to pay their revenue, and being sent into the station as *suspicious characters*, a practice which the *Ijaradars* and *Kotkinadars* often made use of. The wretched *Ryots* pushed their lands to the very utmost, took advances from three or four indigo factors at once, besides those from their own *Mahajuns*, and when no longer able to borrow money, they were compelled either to steal, in order to subsist their families, or fly their native villages to look for kinder masters. A native who has long been resident at a place, or perhaps been born there, must be very hard pushed before he will leave the village that has become so dear to him; and yet we shall see, that in this *Zillah*, whole villages were deserted,—the inhabitants flying they knew not where.

over. But, if deserted by their *Mahajuns*, and oppressed for revenue by their hard-hearted landholders, they are, with their families, at once turned adrift; and the cravings of appetite teach them to live by their wits; at first as petty thieves, but, getting on by degrees in an easy and even pleasant path, they become at last experienced *Dacoits*.

Much has been ascribed to the influence of the *Mahajuny* System, in keeping the *Ryots* in a state of poverty. But under the present *Zemindary* arrangement, when the *Ryot* has not the means of gain *by his increasing industry*, it is not to be expected that any change will take place in his manner of living; and until the first evil is removed, in nothing ought we to be more cautious than the decision of *Mahajuny* complaints. It is equally bad policy to favour the *Ryots*, as it is to favour the *Mahajuns*; and from the consideration that the *Ryots* are

weak

and poor, and the others rich and powerful, we are too apt to favour the former.*

It will be necessary here to make a few observations on the *mahajuny* or money-lending trade, as I have seen it practised throughout Nuddea. I believe it does not differ very materially in other *Zillahs*.

* In one of the *Zillahs* in the neighbourhood of Calcutta, the name of which it is unnecessary to give, the decision of a number of *mahujuny* cases, in the year 1810, though dictated by a desire of ameliorating the condition of the natives, and giving them redress from the oppression of their *Mahajuns*, was attended with very pernicious effects, and had not some steps been speedily adopted, thousands of families must have perished, or committed depredations on their more wealthy neighbours. The orders issued were chiefly to prevent the *Mahajuns* seizing on the cattle and property of the *Ryots*, and to restore them when they had been seized. In consequence of these orders, the most respeotable *Mahajuns* shut up their *golas* (granaries); and with some degree of justice, for they had no other security for their money than that granted on the cattle and property of the *Ryots*.

When a *Ryot* comes to set up for himself in a village, the *Mahajun*, in many instances, lends him one or more bullocks; he advances him rice for seed, and for the subsistance of his family, and often pays his revenue for the first few years. All this he does, if he had never seen the man's face before; but, in proportion to the risk he runs, so is the gain. The *Mahajun*, therefore, for every *maund* of rice he gives, demands after the crop is gathered in, one and a half, or two *maunds*, according to agreement: He also demands some security for the goods he has lent, and it is but just that he should do so: The *Ryot* never denies it; and the security given is on his household-furniture, cattle, &c. From that day there commences a sort of connexion between the *Ryot* and his *Mahajun*, and their interest induces each not materially to injure the other.

The

The *Mahajun* lives by his *Ryots*, receiving almost *cent. per cent.* from them; and as surely the *Ryot* lives by the *Mahajun*, for you must change his nature before he will live in any other way. When a mutual understanding thus subsists, it stands to reason, that the *Mahajuns* will not often wantonly oppress their *Ryots*, thereby hurting themselves.

From what I have seen in the examination of many *mahajuny* cases, I do not think that they seize on the property of the *Ryots*, excepting in cases where they are about to flee the village, or to give all their land to the cultivation of indigo. What can a *Mahajun* expect from the sale of the small porperty of a *Ryot?* Many of them are two, three, or four years in balance, and their whole stock would but amount to a few rupees. They must then flee the village, and the *Mahajun* loses all hold of them.

 The

The consequences of the *golas* (granaries) in a village being shut up, are the immediate flight of the *Ryots*, and the ruin of the village. The lands become a perfect jungle, a retreat for hogs and other wild animals. If a few *Ryots* remain, they must not only work all day, but watch all night, or suffer the wild hogs to revel in their fields. The increase of hogs in a district is a sure test of the oppression of the *Ryots*, and of bad management on the part of the landholders.*

By

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* The *Zillah* of Nuddea, in the years 1809 and 1810, was, I believe, generally allowed to be *the best hog-hunting country in India*. It was almost wholly divided into *Ijaras* and *Ketkmas*. I recollect having examined the accounts of a respectable merchant in one of the villages of that *Zillah*. It was in 1809; and, taking the history of three years, including some small outstanding balances, I found, that from the beginning of the year 1807 to the end of 1809, he had lost in one village 6171 rupees. He was then forced to shut up his *golas*, finding he could have no hold on the property of his debtors.

By what I have stated respecting the *Mahajuns*, I do not by any means wish it to be imagined, that I think they ought always to be supported against the *Ryots*, or that there are not, in many parts of the country, shameful abuses attending the practice of this trade. So much am I convinced of this, that, in stating the several causes of delinquency, I have adduced the *mahajuny* system as one; and it will be found to be one of great weight in many *Zillahs*.

I set out with saying, that we should not favour one party more than the other. The *Mahajuns* are frequently a most oppressive class of men, and ruin the *Ryots* by the exorbitant interest they charge, by their cunning in keeping back their accounts, thus leaving them in complete ignorance of the state of their affairs, and by many other iniquitous practices. These bad practices ought to be checked, and a thorough inves-

tigation of this system would develop numberless scenes of knavery and imposition, would save the families of many thousands from distress, and prevent the occurrence of many crimes. It will, however, be a difficult task, or rather, in the present state of things, it will be impossible, to alter their manner of living; but there is not a doubt, that, were it possible for them to live without their *Mahajuns*, their condition would be greatly improved.*

In accounting for *Dacoity* or robbery in a *Zillah*, our first step ought to be, to examine the condition of the *Ryots*; and we shall always find, in their poverty and oppression, the chief cause of this evil. For this purpose, it would be worthy the attention

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*I have been told that the exertions of the Magistrate (Mr. John Elliot) in Zillah Tipperah were attended with success in suppressing the *mahajuny* trade, and inducing the *Ryots* to live without their assistance.

tion of a Magistrate, or his assistants, during their circuits of the district, to take a particular account of the condition of the villages for four or five years back, noticing the different changes in their management in *ijara*, *kotkina*, and as to the *khas* lands of the *Zemindar*: For this last term is made use of by the *Zemindars*, to denote those villages which, from impoverishment or other causes, have reverted into their own hands. By this means, a complete view might be had of the causes of improvement or decrease in the value of the lands, and much useful information might be obtained. In the year 1810, I made an attempt of this kind, from which I select a few instances, which will be sufficient to explain my intention, and which present a fair specimen of the state of that part of the country in which I was employed, viz. the northern division of the *Zillah* Nuddea.*

These

* The village of *Chundpore* had, in the year 1214, B. S (1808) not less than sixty houses; the lands in cultivation

These instances, which are given in the note below, will sufficiently explain the plan

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tivation amounted to about two thousand *bigahs*. It has now three houses, and the whole of the land is overrun with jungle, and full of hogs. It had been in *kotkina* for four years previous to its being deserted.

The village of *Cola* had, in 1214 (1808), a hundred houses, and five thousand *bigahs* of beautiful cultivation. It now contains forty houses, and the whole land cultivated is not above two hundred *bigahs*; the principal *Ryots* having deserted it, leaving the houses to be occupied by any that chose to inhabit them. It had been for ten years in *kotkina*, and is this year in *khas*, because it is not worth purchasing. This *kotkina* was divided into three shares, forming, as the Bengalees call it, three *petes*, or bellies to fill.

The village of *Jurampore* had, in the year 1214 (1808), two hundred and fifty houses, and its cultivation extended to the whole lands of the village, viz. seven or eight thousand *bigahs*. There are now remaining five houses of respectable cultivators, and five or six huts inhabited. The cultivation is reduced to four hundred *bigahs*. It has been in *kotkina* nine years. It will generally be

found,

I have suggested of a village-book. In marking the progressive decline of the villages, we shall find some other causes of decay, though none so extensive as the oppression

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found, that the greatest desertion has taken place within the last few years,—oppression has rapidly increased,—the lands are gradually getting into the hands of the rapacious *Aumilah* of our Courts; formerly the *Ryots* were better able to bear oppression, but bad seasons have greatly reduced them.

The village of *Khasipoor* has now about fifty houses. It had in 1209 (1803) about one hundred houses, and proportionate cultivation. It has been in *ijara* six years, under three different *Ijaradars*.

The village of *Beerpoor* has now fifteen houses. It had, six years ago, fifty. It has been during the last six years in *kotkina*, and is now in *khas*.

The village of *Tertolberia* has now three hundred houses; in the year 1807 it had five hundred; but here the fear of the *Dacoits* is to be added to the oppression of the landholders. It has been six years in *kotkina*, and is now in *khas*.

oppression of the landholders. I do not mean to say that there nowhere exists a merciful *Kotkinadar.* I have met with some whose lands were in high cultivation, their *Ryots* happy, and no *Dacoits* to be heard of. But this has seldom occurred, and where it did, I generally found that the *Kotkinadars* were old servants of an old *Zemindar's* household,—not the highest bidders for a good bargain. They were men who had long been supported, and who, after the expiration of their leases, looked still to their masters for support.

It is to *Kotkinadars* and *Dur-kotkinadars*, that we may chiefly ascribe the harbouring of *Dacoits* and other notoriously bad characters; for I think it may be easily proved, that it is not the interest of any respectable *Zemindar*, to nourish, as it were, vipers in his own bosom, to support the very men who ruin his villages, and cause his *Ryots* to fly from his lands. The loss in the end

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is his; not to mention that his own life and property are not safe, and his revenue with difficulty collected, and liable to be carried off by these wretches.

I can conceive it possible, that a wealthy *Zemindar* may entertain *Dacoits* for a time, to fight his battles, and to annoy his neighbours, on the occurrence of boundary disputes. I have known instances where this has happened; but I cannot suppose they are often the harbourers of *Dacoits*, except on these occasions. The higher *Zemindars* are seldom residents on the spot,* and when they are, they are generally too indolent to attend

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* I have often been struck with the great similarity between the condition of the peasants of Bengal and hose of Ireland, where intermediate agency is the ruin of the country.

Miss Edgeworth, whose Tales are subservient to much higher purposes than those of mere amusement, has,

tend to their *Zemindaree* concerns, content if it secures to them a speedy fortune. But the wish of an *Ijaradar* or *Kotkinadar* is to make the best of his *mead* (or lease); and if

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has, in one of her last productions, two descriptions; the one of a good agent, the other of an Irish village, which are so peculiarly applicable to the state of things in Bengal, that I have here inserted them.

"The times is hard, and the agents harder than the times; there's two of them, the under and the upper, and they grind the substance of one between them, and blow one away like chaff. The Good Agent is the one that will encourage the improving tenant, and shew no favour or affection, but justice, which comes even to all, and does best for all at the long run. Residing always in the country (like Mr. Burke) and understanding country business, and going about continually among the tenantry, he knows where to press for rent, and where to leave the money to lay out on the land, and, accordingly, as they would want it, can give a tenant a help or a check properly; there is no duty-work called for, no present, nor glove-money, nor seal-money, ever taken or called for,—no underhand hints about proposals when lands would be out of lease, but

if this can be effected by his joining or sharing in the spoils of the *Dacoïts*, it is a matter

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but a considerable preference, if deserved, to the old tenant, and if not, a fair advertisement, and the best offer and tenant accepted; no screwing of the land to the highest penny, just to please the head landlord for the minute, and ruin him at the end, by the tenants racking the land and running off with the year's rent, nor no bargains to his own relations or friends, did Mr. BURKE ever grant or give, but all fair between landlord and tenant; and that's the thing that will last; and that's what I call the Good Agent."

"The town consisted of one row of miserable huts, sunk beneath the side of the road, the mud-walls crooked in every direction, some of them opening wide in cracks or zig-zag fissures from top to bottom, as if there had been just an earthquake,—all the roofs sunk in various places,—the thatch off, or overgrown with grass,—no chimneys,—the smoke making its way through the holes at the roof, or rising in clouds from the top of the door,—dunghills before the door, and green standing puddles,—squalid children, with scarce rags to cover them."

ter of no consequence to him if the village be ruined,—" *it will serve his time.*"

It is impossible that these *Kotkinadars, Dur-kotkinadars*, &c. should be ignorant of the existence of *Dacoits* in the villages, and of their haunts. They have under them their *Gomashtas, Halshunas, Mundils*, and other agents, and are employed constantly in the collection of the revenue. They must, therefore, possess a thorough knowledge of every man's means, and how he obtains his money; also what persons frequent his house. These, then, are the men to whom a Magistrate must now apply for information and assistance in apprehending criminals.

In the statement which I have here given of the condition of the *Ryots*, I have "nothing extenuated." I may have omitted much, but I have not unthinkingly described the state of things from the reports of others. If there is any merit whatever in the

the above sketch, it is that of being authentic. For the truth of the picture, I appeal to those whose zeal has carried them into the interior of their districts, and who, at their leisure hours, throwing aside the character of the Judge and Magistrate, have solicited, at the hands of the lowest natives, a true statement of their condition.

Although we have, perhaps, lost for ever the opportunity of enriching our own nation from the progressive improvement of the land, yet we may render our government doubly secure, by improving, as far as possible, the condition of the *Ryots*, and by conciliating them to our interests.

We must not consider ourselves safe, as long as the *Zemindars* pursue their present schemes, from the idea that the peasants will love us, and hate their oppressors; for it

it was we who gave the *Zemindars* their authority.

According to the present regulations, in every instance where redress is proposed to be afforded to the peasants, it is through an application to the *Sudder* Courts of Justice at each station. What then is to become of them, if it can clearly be proved, that their weakness, and the tyranny of the *Zemindars*, prevent their having access to these Courts.

It was seldom that regular *pottahs* or leases were granted under the old regulations, though particularly required and ordered by them. Yet, in how few cases do we find that the *Ryots* have dared to complain of this grievance. Some, indeed, prefer living without them; perhaps from the fear of having their lands measured by the rapacious servants of the *Zemindar*; but these are few, compared

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to the whole body. Without regular *pottahs*, which shall limit the demands of the *Zemindar*, the *Ryots* can never be happy, and cultivation can never increase. By a late regulation, we have made *pottahs* unnecessary. We have permitted the *Zemindars* to let their lands in what manner soever they please. For this is the construction which the *Zemindars* have put on Regulation Fifth of 1812.

Dahilas or receipts for rent paid, are now never given, and the peasant is left entirely at the mercy of the *Zemindar*, who may, if he pleases, repeatedly demand the rent once paid, or add to the stipulated sum any number of perquisites he may choose. These last are denominated *Abwab*, and the frivolous pretences under which they are demanded are innumerable. The *Abwab* generally take their names from the nature of these pretences; thus, for instance, *pottah*

salami is the present paid by those who are fortunate enough to receive a lease; *nigah khurch*, or *shadee khurcha*, is the present paid upon a marriage; *durbar khurch* is the present paid for the promise to support their interests at Court,—for liquidating any fines which the *Zemindar* may happen to incur, or for carrying on his prosecutions; *bharee butta* is the per centage paid under pretence of the coin being light, &c. &c. &c.

When receipts are wanted, the *Ryot* must sue for them in the Court. The Court is, perhaps, forty or fifty miles distant; he must, therefore, leave his village, and his starving family, and remain in attendance at Court, day after day, until his cause comes on; and the unavoidable arrears of business often prevent the trial of such causes for two or three months after their being entered. At length, worn out and beggared, he makes up the matter with the *Zemindar*, and en-

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ters a *razeenama* or amicable adjustment, and goes back to his village, to be a miserable warning to deter others: or, say that he prosecutes his suit, it is under every disadvantage. He has to contend with the *Zemindar*, and with the *Aumilah* or officers of the Court. And who are these officers? By making every purchaser or heir to a piece of land an independent *Zemindar*, we have created a new order of men; and the officers of our Courts are likely soon to constitute the nobility of Bengal, the great landed proprietors, for whom European politicians have so long wished.

Would it not be thought impolitic and extraordinary, if the Judges and Officers of our Courts in England (for *Moluvees* and *Pundits* are Judges), being composed of the landed proprietors in each county, were to sit there to try the complaints brought against themselves by their own tenants; yet this

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is the case in most *Zillahs* in Bengal. From the *Moluvees* and *Pundits* down to the lowest writers in the Court, all the officers are possessed of landed estates in the district, many of them openly, and others *benamee*, or under fictitious names. If we consider, that scarce an order can be passed which does not in some measure affect the interest of these men, and that, in every case where they are likely to be sufferers, they will do their utmost to counteract and obstruct our endeavours; and if we consider, at the same time, that they at present rise and flourish by the dejection and oppression of the peasants, whose comfort it is our duty to promote; and that, if they cannot keep up the terror of their names in the interior of their district, their affairs will go to ruin, we shall no longer wonder at that constant clashing of authority, which, though seldom proved, is well known to exist between the Magistrate and his officers. His own officers are the last persons whom a skilful Magistrate will

will make use of in the execution of any plan which may require secrecy.

The native officers of our Courts surpass in deep cunning, in a knowledge of our characters and dispositions, and in the art of concealing their own, any idea which we can form of the most consummate duplicity. Their under agents and spies are every where present in our Courts, and while writing out an order, dictated by the Judge, they will, by means of these agents, dispatch information into the *Mofussil* (or interior), which shall counteract or render nugatory the very order they are writing. The press of business is always a sufficiently plausible excuse for any delay in issuing and carrying into effect the orders of the Judge; but no press of business prevents the execution of their own plans.

Where a native officer is brought from the court of one *Zillah*, and placed in ano-

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ther, where he may not be possessed of landed property, his first step is to purchase it. Innumerable are the instances which a circuit into the interior of his district will afford to the Magistrate, of discovering the knavery of his officers. He will find the paltry *Mohurir* (or writer) of his Court, the man who walks to his *Kutcherry*, attended by no one, or by a shabby little boy, and himself clothed in rags, possessed, notwithstanding, of large property in land, of great and powerful establishments of servants, who are necessary to maintain in the *Mofussil* the terrible majesty of the Company's servant. They will find this man more revered, or rather more dreaded, than the Magistrate or the Judge.

This is no small evil. It is, on the contrary, *one great cause of the weakness of our Indian Courts, and calls for immediate redress.*

A clear

A clear and peremptory regulation is required, by which no officer possessed of landed property in the *Zillah*, shall be permitted to serve in our Courts.

The wages allowed by Government will never, indeed, be a sufficient consideration to induce natives of ability to serve under us; but, added to the wages drawn from the numerous sources of iniquity, they will always insure to us a sufficient number of candidates. And here, let us not be deceived by the idea, that the salary of a native ought to be liberal, in order that he may have the less excuse for corruption. This is one of our European ideas; and we must divest ourselves of all such.

Corruption among Bengalees is no crime. Repeatedly have I disputed this subject with even the most respectable of them. The constant reply was this, "If the parties "make us a present of the money willing-

 "ly,

" ly, where is the harm in receiving it ?" We can expect little from those of our officers who take bribes. We must be constantly on the watch to defeat their plans; but where we have to deal with those who are not only corrupt, but who are possessed of the weight attached to *landed property* in the district in which they serve, we shall find them much too strong for us.

Another great evil arises from this land-holding practice; for among the number of officers attached to a court, we should otherwise have many dissensions, each pursuing his own way to advancement; and these dissensions are the only means which the Indian Magistrate possesses of obtaining any information respecting the characters of his officers; for when a dispute takes place among Bengalees, such is their disposition, that nothing can remain concealed,—brother will impeach brother,—the son will accuse the father,—and the complete

domestic

domestic history of a family will be laid before us. Instances of this, particularly among the Brahmins, are constantly presenting themselves; but where the officers of Court are landholders, a league is formed, which no power of the Magistrate can break: each supports the other; for it is the interest of all, that no encroachments should be made on their privileges. I appeal to any Magistrate, who has had the task of trying one of his officers, whether he has not found that the whole body immediately espoused his cause.

These are a few of the evils attending the present distribution of landed property in Bengal. It is as easy to describe them, as it is difficult to propose remedies. Such as I shall mention, will be suggested with great deference. Some material change is necessary; and, with the superior knowledge which the Company must now possess, the change is likely to be for the better.

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The power of the *Zemindars* must by every possible means be diminished.

They ought to be made to assist in the management of the police of the country, and in every case where *Dacoits* or other bad characters are harboured in their estates, these estates ought to be confiscated. They will then attend to the internal management of their lands. It is not enough to threaten that they shall be confiscated, and yet, on every occasion, with an unjust and highly pernicious mercy, to forgive them; for this conduct of Government is construed by the *Zemindars* into a test of its weakness.

The *Zemindars* ought to be strictly required to give *pottahs* as formerly; and a very heavy punishment should be awarded for the neglect of this: They should also, on every occasion, be required to grant receipts for rent; for it is a matter of very little consequence, whether the settlement with the

Zemindars

Zemindars be for a limited number of years, or be perpetual, provided the rights of the *Ryots* are attended to. By a perpetual settlement, we indeed preclude the possibility of our ever enriching ourselves; but it ought still to be our object, that cultivation should increase, and that the peasantry should be happy. Let me again insist, that without *pottahs* (leases), and without receipts, this never will be the case.

In support of the *Ryots*, the junior servants of the Company in each *Zillah*, or when the *Zillah* may be tranquil, the Judge himself, ought to make an annual circuit of his villages, and in a summary manner decide the little complaints of the *Ryots*, civil as well as criminal. After such circuits, a full report of the state of his district should be required of him, in which particular notice should be taken of the conduct of the *Zemindars*. The report ought also to specify the quantity of land discovered to be

held

held by the officers of the courts under their own or fictitious names; and these officers should in every instance lose their situations, or be compelled to sell their lands. In order to prevent concealment, a period might be allowed, after which all land found in the possession of officers of our Courts should be forfeited to Government.

We ought by all legal means to get again into our power, as much of the country as we can, in order to bestow it on the *Ryots*. On these portions of the country experiments should be made, in order to ascertain the practicability of forming a *ryot-war* settlement; and if the tyranny of the *Zemindars* continues, we ought, before it is too late, to endeavour to recover the whole of the country from their hands.

"Let the landed proprietors grow rich, "we shall grow rich through them." These are

are the words of Sir CHARLES BOUGHTON ROUSE; but how this is to happen, I really cannot perceive. Is it by taxes on commerce? If the *Zemindars* neglect the cultivation of their lands, and oppress the *Ryots*, where shall we find produce to tax?

Allow that, in the general course of things, the *Zemindars* become what they almost are already, *the sole nobility of the country*, (for the former race of nobility, described by the Edinburgh Reviewers as "the "connecting link in society, without whom "it would be reduced to the Prince and "the Peasant," are now almost extinct,) still they will not, as men of rank and nobility are used to do, demand more luxuries or conveniencies of life.

Here is a wide difference. The Bengalee, be he ever so rich, will not furnish his house handsomely; he will not dress in the European style; he will not drink our liquors,

quors, nor consume our European articles of food. The consumption of the commodities now sent to India can never increase, until a long lapse of time shall have removed the national prejudices of the Indians, and totally subverted their religion.

I am convinced that a long lapse of time will effect these changes. I think we have already gained ground; a small number of natives in each large town have already dared to attempt the imitation of some of our customs. From a description of a few such instances, the narrow spirit of the Bengalee, and his attachment to ancient habits, will be apparent. I have inserted them in the Appendix, on the subject of the Free Trade.

We have thrown the landed property almost entirely into the hands of a set of rapacious harpies,—we can no longer provide for any exigency, by an increase of revenue,

arising

arising from the lands, nor is any material increase to be expected from taxation on articles of commerce; and even were this last possible, commerce would not present so steady a course of revenue as agriculture. Commerce is always fluctuating. Corn must always be had, and plenty of corn will secure every thing else. The extortion or caprice of our neighbours may at any time hurt our commerce, but where agriculture flourishes, they cannot empoverish us by selling high; they cannot withhold food from us, which is our most immediate want.

The oppression of the *Zemindars* has already, in a great measure, and at a period not far distant will render desperate, in proportion to their indigence, the peasantry and manufacturers. It will be necessary to keep up an immense judicial and police establishment. These establishments have on the whole gradually increased during our

Government;

Government; they were never so expensive as at present, and they are certainly not likely to diminish. In forming an opinion on this subject, we must not be led astray by the temporary arrangements of the present Government, which have an appearance of economy, and which short periods of energy on the part of the Magistrates have enabled them to make in some districts. But we must look to the general increase of expences all over the country, since we assumed the Government.

We have, I think, done wrong; things may indeed improve, but there will be a long reign of vice and delinquency between the present time and the period when such improvement shall commence, unless, indeed, by some new arrangement, the lands shall again fall into the hands of those, whose family connections, and affection for their native soil, will stimulate them to exertion. These poor men, under every former

mer government, whether of Hindoo or Mussulman origin, have always been esteemed the very soul of the state; their rights will be found to have been respected under every arrangement of the native princes, however arbitrary or capricious in other respects. We, too, when we took possession of the country, promised most solemnly to protect them, and for a long time we did support them, as the proprietors of the land, against the *Zemindars* or *collectors.* Still calling themselves the proprietors of the soil, they to this day look up to us for protection. They have no other idea. They daily sell their proprietary right, and call it selling their lands.* When our last regulation,

* That the idea is not confined to Bengal, will be sufficiently evident from the literal copy of the information on this subject which I received in person from the respectable *Ryots* of a village close to Buxar. "They have "resided in their land for ten or twelve generations. "The *Zemindars* never have, nor can they dispossess "them;

lation, the 5th of 1812, shall become generally known, the idea that we have deserted them will also prevail. Let it not be a total desertion. Let the work of reform, which is a most arduous one, be more equally divided. Let the Collectors and their assistants unite their exertions. The members of that branch of the service are living at their ease, while

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" them; neither have they changed their rate of rent. " The trees on the land are their own. The *Zemindars* " cannot cut them down, but they (the *Ryots*) can, and " do cut them down, without the leave of the *Zemindar*. " They themselves are the owners of the land." If this does not convey an idea on their part of property in the soil, I do not know what can. These *Ryots* were chiefly *Brahmins*; and though, in their dress, and in their huts, there was a great appearance of comfort, I am sorry to say, that, in general, their condition was very little better than that of the most miserable Bengalees. Their land consisted of two kinds, but even the best was very poor.—I have given further particulars of my conversation with these *Ryots* at Buxar, in another part of the Essay.

while the weight of business yearly weakens the body of the Judicial Servants. An idea is beginning to prevail among the young men, that the Judicial line is worse than slavery. It would be dangerous that this idea should gain ground. It can only be done away by increasing the number of those employed, and thus diminishing the duty.—More of these duties hereafter.

Let us all join heartily in improving the condition of the peaseants, and we may then safely calculate on the secure enjoyment of our Eastern Possesions, under every vicissitude which the ambition and rapacity of other nations, or of the neighbouring native powers, may expose us to. The Judge and Magistrate ought never to forget, *that the Ryots are the support of the State.*

I have formerly mentioned the general answer which is given to all propositions for

again restoring the rights of the *Ryots*, namely, "That Government have pledged their "word to the *Zemindars*, that the settlement shall be perpetual, and that they "will not interfere with the management "of the lands." But let the *Zemindars* enjoy the perpetual settlement; let them enjoy all the rights they had under the native Governments; and, in addition to these, let them enjoy the additional honour, dignity, and power flowing from their new title of great landed proprietors.

The continuance of the perpetual settlement, and of these rights, will, in the present state of things, be preferable to any sudden or violent change,—a measure at all times, and under all governments, to be dreaded. But surely, although we do not subvert, we may improve the present system. Our best efforts and exertions are yet subject to much imperfection. It was vain to expect perfection in a system which was

not

not founded on experience, but only adopted as the least of two evils; namely, a constantly fluctuating, or a fixed, though small revenue. I say small, for I think it might be doubled, and the people made more happy. This, however, we could not do without annulling the perpetual settlement.

The advocates on either side of the question have so entirely receded from each other in their arguments, that they have lost sight of the ground which lies between. They have forgot, that in a medium between two extremes there may be much good; for each of these extremes has undoubtedly advantages. This medium line of conduct is, I conceive, the only one which Government can at present safely adopt.

It seems a matter of very secondary importance to whom the lands originally and exclusively belonged. The *Ryots* themselves, provided their own rights were preserved,

served, have never cared either in whose hands the government was placed, or who were their *Zemindars.* And to the preservation of their rights we may attribute the quiet and easy transitions of dominion from one race of conquerors to another. If we preserve these rights, we have nothing to fear.

We have found, that the *Zemindars* becoming absolute proprietors, have deceived and oppressed the *Ryots.* Cannot our regulations redress their grievances, without removing the property from the *Zemindars.* This interesting question will be answered presently; but let us proceed regularly in detailing the further evils attendant on this arrangement.

DEFECTS

DEFECTS IN THE MANAGEMENT OF LANDS, AND IN THE COLLECTION OF THE REVENUE.

1. By allowing any person to become a *Zemindar*, and by bestowing on ever *Zemindar* the full right of disposing of his lands as he pleases, we have placed almost the whole country in the hands of those officers of our Courts, whose wealth, which increased with their rapacity, enabled them to become purchasers. The old *Zemindary* families are now extinct. There is a remedy for this; but it is thought to be a breach of our promise to interfere with the management of the lands. Is it not our duty, notwithstanding this promise, to maintain the rights of the *Ryots*, and wherever they

are oppressed, to relieve them by removing the *Zemindars?*

2. By making these *Zemindars* absolute in the management and disposal of their land, we have given rise to a practice unknown in former times. I mean that of subdivision and rack-renting. Regulations may remedy this.

3. There is another evil consequence of this arrangement. It is, that the administration of justice is actually, though not nominally, in the hands of the Fiscal Officers. The *Zemindars collecting the revenue* are the Judicial Officers of our Courts. This was the very evil which, in forming our new plan of Government, we wished to avoid. Let us see what is the language we held on this subject. Amongst several admirable remarks on the form of our Government made by the Marquis of WELLESLEY at

at the time when he recommended its application to the Provinces under the Madras Government, is the following: "Were "it possible for the Collectors of the Revenue to appropriate a sufficient portion "of their time to the administration of "justice, and to the maintenance of the "peace of the country, the nature of their "duties, as Officers of Revenue, disqualifies them for judicial functions. The "people cannot repose a firm confidence in "the protection of the laws, while the administration of these laws shall be entrusted to the Collectors of the Revenue; because the conduct of these officers, and "of the numerous native agents and servants acting under their authority, necessarily forms a principal object of legal "controul."

This evil is glaring, but it admits of a remedy, by strict regulations prohibiting the officers of our Courts from purchasing, or

or being at all concerned in the management of the lands while in office.

4. In order that agriculture should flourish, it is necessary that landholders should be constant, or at least occasionally resident on their estates. The contrary is now the case. The lands are now in the hands of those whose other duties will not admit of their residing on their estates. Regulations may remedy this also.

5. *Pottahs* or written leases, specifying the exact amount of the landlord's due (and preventing arbitrary cesses), as well as receipts for rent paid, *form the security of the Ryots.* These good old forms are out of use now. The *Ryot* depends on the mercy of the under farmer. It is a broken reed.

And, *lastly*, In former times, it was the interest of Government to encourage agriculture,

culture, because they were the richer for every improvement in the land. It was also the interest of the *Ryot* to increase his cultivation, because it increased his fortune and his comforts: But now Government have no interest of a tangible nature, for their revenue cannot increase; and the *Ryot*, by additional labour, only enriches the *Zemindar*. This last evil, it is said, admits of no remedy. But is our word so pledged, and must we now tamely suffer the ruin of the country, and the oppression of the *Ryots*, content with a revenue which shall daily be impaired, by the necessity of maintaining a large, and gradually increasing Establishment, whose utmost vigour will never be able to redress the manifold wrongs of the *Ryots?*

Such are the defects in the management of the land, and the collection of the revenue.

DEFECTS IN THE ADMINISTRATION OF JUSTICE.

1. Our Civil Courts are, from a too great attention to form and details,—from the small number of Judicial Servants,—from the wide extent of jurisdiction,—and the delay in procuring evidence,—very inadequate to afford redress to our numerous subjects. The remedies are to be found in more summary justice,—in the institution of travelling Courts, held by the Register or Assistants in the villages,—and in the appointment of Commissioners elected by the *Ryots*.

2. We have lost the assistance of the most intelligent and most efficient instrument of Police, in the dismission of the *Zemindars* from all responsibility. This has its remedy. The *Zemindars*, under proper instructions, should again be employed; and in every case where they are found harbour-

ing

ing criminals, or otherwise aiding in the commission of offences, their lands should be forfeited, and *this crime never pardoned.*

3. The power of the Magistrates on the spot, who are the best judges of the character of offenders, should be increased. The sentence of the Courts of Circuit should be final: Punishment would then, in all lighter cases, be immediate on the commission of the crime; and in the more weighty, would at farthest be the instant consequence of the judgment of the Court of Circuit.

Lastly, The various lesser evils in the administration of justice need not be again detailed. They have each had their discussion in the foregoing pages. In some remedies have been humbly submitted to his employers by the author; for all remedies will be found in the wisdom of the more experienced of the Company's Servants.

CHANGES SUGGESTED.

1*st*, That the *Zemindars* be prohibited from subdividing their lands into small shares, and that limits be put to the system of *ijara* and *kotkina*, or that it be wholly abolished. That settlements be, where it is possible, concluded for each of the villages by the *Zemindars*. That *putny*, and *dur-putny* leases be either essentially limited, or altogether removed.

2*d*, That long leases be given, in no instance under ten years, and where it is possible, that a life interest be given to the *Ryots* in their lands; and that, as the gains of the landholder increase by cultivation, so, by security conferred on their property, the

the gains of the peasant shall increase with the increase of land cultivated.

3*d*, That regular written leases ro *pottahs*, according to a prescribed form, a thing now almost unknown, be again revived; and that the punishment be most severe on those who shall be proved to have let their lands without them.

4*th*, That double receipts be given and demanded on the payment of revenue; the *Zemindar* testifying to the *Ryot* his having received the money; the *Ryot* acknowledging, in writing, to the *Zemindar*, his having obtained the receipt.

5*th*, That as our Courts of Justice cannot possibly hear and determine all the petty complaints of the *Ryots* at the *Sudder* Station, one or other, or both, of the following arrangements take place, *viz.* That the Collector, where his leisure will permit,

(and

(and that is the case over Bengal) or, if otherwise, that the Collector's assistant, or the assistant to the Magistrate, make an annual circuit of the district, and in each village hear and determine all petty differences between landlord and tenant, extending to a certain sum.

Or, that *Moonsifs* (or Commissioners) be appointed in the villages. These Commissioners to have a comfortable, though not extravagant salary, to be elected annually, or every two or three years, by the inhabitants of the villages, in presence of one of the assistants. The villagers will, for their own sakes, select a fit person, and either re-elect or remove him when his time is out. This Commissioner need by no means be a man of education or legal habits, but have his own good sense to direct him. In large villages, one Commissioner would have enough to do; for two or three, or more small villages, one might serve; or if

this

this be found difficult, one might, as now, be elected yearly for each *Thannah.* But such election must be decided by the votes of the villagers; not as at present, by the influence of some rascally sycophant, or adherent of one of the *Aumilah.*

6*th,* That the Judges, at least once in each year, be required to make circuits of their districts; and that instructions, specifying the objects to which they are to attend, be made out for their guidance.

7*th,* That the *Zemindars* be made to assist in the police of the country. Where is there a country, in which the police has arrived at any degree of perfection, without the constant aid of the landed influence? On this subject, I am convinced, that more than one half of the Civil Servants of the Company concur in opinion with me, and also that that half contains all those who have seriously weighed the question.

 I shall

I shall here transcribe an extract from a Report on the State of the Police, transmitted to Government by the present Magistrate of Burdwan. The evils attending the *putny* and *dur-putny* tenure are much of the same nature with those attending on the *ijara* and *kotkina* tenure formerly described; and of this Mr. Bailey has given a fair, and, by no means, an exaggerated account.

"This system (says he) is now almost in-
" variably prevalent in this *Zillah*, and, in
" its effects, not only involves a very heavy
" pressure of civil business, but completely
" deprives the Magistrate of the means of
" employing the landed influence in the
" improvement of the police. By the ope-
" ration of this tenure, the estates in the
" district are parcelled out into the most
" minute subdivisions; and I have met with
" more than one instance, of a village be-
" ing held in portions by six or eight indi-
" viduals,

" viduals, as a *Dur-dur-dur-putny talook.* " The constant change of proprietors, who " are often mere adventurers, renders it " quite impracticable for the Magistrate to " derive any efficient assistance from them " in the apprehension of criminals."

The late Magistrate of the Jungle Mehals (Mr. William Blunt), has also in his Report the following observation on the present state of the land tenures in his district. " It seldom happens, however, that " the *Putny talookdar* retains the manage- " ment of his estate. But it is re-sold by " him under a similar deed of sale, at an " increased *jumma,* to another one or more " persons denominated *Dur-putny-dars;* " and by these last it is again sold at a fur- " ther increase of *jumma,* to another person, " who is then styled the *Dur-dur-putny-* " *dar.* This system of profit upon profits, " each person paying a consideration also " as purchase-money, is, of itself, a heavy

" burden on the *Ryots*. This system, in its " operation, naturally occasions the serious " evil of constant change, even within the " year. The purchasers of *putny* and *dur-* " *putny talooks* are generally needy and " precarious adventurers, of no character " or responsibility."

On these subjects, few are willing to open their mind to Government. But it will scarcely be doubted, that the country is sinking in value. It is also a most serious evil, that we should thus lose the assistance of the best, I would almost say, the only proper instruments of police in India. For could we again bring into activity the power of the *Zemindars* in managing the police we might dispense with the assistance of *Goindas* and Criminals. In the Fifth Report of the Committee of the House of Commons on Indian Affairs, there are some very judicious observations on the employment of landholders in police. " The means thus pro-

" vided

" vided (says the writer), were ample for " maintaining the peace, and, where pro- " perly directed, could not fail of efficiency, " from the great number of individuals who " might at any time be called forth in de- " fence, and for the security of the inhabi- " tants, consisting not only of the *pausbauns* " or village watchmen, whose special duty " it was to be always in readiness for that " purpose, but all those likewise over whom " the *Zemindary* authority extended."

In describing the changes which were made in the Police System, as adapted to *Benares*, and on which the influence of the *Zemindars* was employed, there are these observations: " The Resident was probably " aware of the powerful means, when call- " ed into action under suitable superintend- " ence, which the *Zemindar* possesses of " maintaining the peace of the country; " and therefore, instead of annulling his " authority, he proposed to render it effi-

"cient by regulations adapted to the pur-
"pose."

And a little further on, "In the Lower "Provinces, the *Zemindars* had been re- "lieved from the charge, and prohibited "taking any concern in the police. In "Benares, the Resident, deeming the au- "thority, information and influence natu- "rally acquired by the *Aumils* or *Tehsil-* "*dars*, and landholders, the strongest foun- "dation on which the efficiency of the "police could be established, prevailed on "the Government to allow a deviation from "the Bengal System, so far as to commit "the charge of the police to the *Aumils* "jointly; and subordinate to them, to the "landholders, and farmers of land, un- "der the responsibility for robberies and "thefts committed within their respective "jurisdictions, which they had been subject "to under the Rajah Government."

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The benefits to be expected from the arrangements which I have ventured to recommend, are twofold, the improvement of the lands, as well as in the condition of the *Ryots*; and the acquisition of a most valuable mass of information, which to this day is wanting in Bengal, and which alone can supply a firm foundation for future and lasting improvements in Police.

Government, and most of their servants, are unwilling to acknowledge that such information is wanting; they are unwilling to admit that errors have been committed, and yet from them, enlightened as they are, divination and foresight could not be expected. The very nature of their situation constantly changing, and their dignified appointments preventing their familiar intercourse with the natives; these may amply plead their excuse.

On this subject, Lord TEIGNMOUTH, than whom no one was better able to form a correct opinion, observes, "If we further con-"sider the form of the British Government "in India, we shall find it ill calculated for "the speedy introduction of improvement. "The members composing it are in a con-"stant state of fluctuation, and the period "of their residence often expires before ex-"perience can be acquired or reduced to "practice. Official forms necessarily occu-"py a large portion of time, and the con-"stant pressure of business leaves little lei-"sure for study and reflection, without "which no knowledge of the principles and "details of the revenues of the country can "be obtained. True information is also pro-"cured with difficulty; because it is too "often derived from mere practice, instead "of being deduced from fixed principles. "Every man who has been long employed "in the management of the Revenues of "Bengal will, if candid, allow that his opi-

"nion on many important points has been "often varied; and that the information of "one year has been rendered dubious by "the experience of another. Still, in all "cases, decision is necessary; and hence, "precedents formed on partial circumstan- "ces, and, perhaps, on erroneous principles, "become established rules of conduct; for "a prudent man when doubtful, will be "glad to avail himself of the authority of "example. The multiplication of records, "which ought to be a great advantage, is, "in fact, an inconvenience of extensive "magnitude; for in them only the experi- "ence of others can be traced, and refe- "rence requires much time and labour."

An inspection of the orders of Government, and of the letters of the Directors, written about the time of the formation of the perpetual settlement, will sufficiently evince, that we have a full right of interference in the concerns of the *Zemindars*, as far

far as relates to their treatment of the peasants, and of making the changes here suggested, or any others which may be deemed proper.*

It was wrong to imagine, that the experience of a few short years could have insured a sufficient mass of information on which to ground so weighty an arrangement as that of a perpetual Settlement. Why for ever shut out the possibility of improvement,

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* "These the Directors particularly recommend to the consideration of the Government, who, in establishing permanent rules, *were to leave an opening for the introduction of any such in future, as from time to time might be found necessary, to prevent the Ryots from being improperly disturbed in their possessions, or subject to unwarrantable exactions.*" This the Directors observed, would be "clearly consistent with the practice of the Mogul Government, under which it was a general maxim, that the *immediate cultivator of the soil, duly paying his rent, should not be dispossessed of the land he occupied.*" See Fifth Report, p. 50.

provement, the best feature in every good government? The perpetual Settlement, even according to the opinion of one of its ablest advocates (Lord TEIGNMOUTH), was formed on *scanty materials furnished by the Collector*; whereas the ample information obtained lately on the spot by the Board of Commissioners for the Ceded Provinces, was by them deemed insufficient for the formation of a settlement of this nature.*

How

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* "The Commissioners, in their final report on this interesting and important subject, under date the 13th April 1808, stated their opinions to be adverse to the immediate conclusion of a perpetual settlement in the territories under their controul; and as they were probably apprised of its being the fixed determination of the Government to carry through the proposed arrangement at all events, resigned their offices rather than be the instruments of measures which their judgment, founded on local information, could not approve."

In one of the letters of the Directors on this subject, there is the following just remark: "The mistakes committed in the settlement made in the Lower Provinces,

under

How long this unwillingness on the part of the Company's Servants, to acknowledge errors which no human being could have avoided, will continue, it is impossible to say; probably till a general system of circuits has been established, and the information collected on the spot by the Judges, the Collectors and their assistants, has been amassed and digested. Actual inspection on the spot is the main-spring of all improvement in India; for, unless confirmed by what we see with our own eyes, *no document is to be believed,—no interested native is to be credited.*

Surely there was some good reason for the earnest

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under all the advantages that a long experience of their resources afforded, and the inconvenience that was felt from it, though the natives had been so much longer under the British Government, suggest the danger of precipitancy in the measure proposed, and point out the propriety of great caution and deliberation being observed in proceeding to a measure which is irrevocable."

earnest manner in which, in our first regulations, we insisted on written leases being given. And why are they now fallen into disuse? Is it that the liberal and affectionate conduct of the *Zemindars* to their *Ryots* has rendered them no longer necessary? Far from it; they are now more than ever necessary.

Where *pottahs* are given, and receipts regularly granted on the payment of rent, the *Ryot* cannot suffer long. He has the necessary documents for obtaining redress.

Whenever, by confiscation or otherwise, the lands of a *Zemindar* have fallen into the hands of Government, it would be well, that experiments were made, how far it is possible to introduce the *ryot-war* or village settlement. These experiments would at least supply us with much excellent information; for, where no one intervenes between the *Ryot* and Government, minute investigations

vestigations of the capacity of the lands can at all times take place; and from these grounds only calculation can be made, the actual capability of the lands ascertained, and a knowledge of the condition of the *Ryots* acquired.

On this very important subject volumes might be written. I have only touched on the points which appeared to me necessary in treating of the condition of the peasants, as a great, perhaps the greatest cause of delinquency. I have necessarily left much interesting detail. I shall conclude this Chapter in the words of others, as far more impressive than any thing I could myself adduce in support of the claims of our Indian Subjects.

" The Peasants, although they be disre-
" garded by the superficial, or viewed with
" contempt by the vain, will be placed by
" those who judge of things not by their

" external

"external appearance, but by their in-
"trinsic worth, as the most useful class
"of mankind." Their occupations conduce not only to the prosperity, but to the very existence of society. "His life
"(that of the peasant) is one unvaried
"course of hardy exertion and persevering
"toil. The vigour of his youth is exhausted
"by labour; and what are the consolations
"and hopes of his age? Sickness may de-
"prive him of the opportunity of providing
"the least supply for the declining years of
"life, and the gloomy confinement of a
"work-house, or the scanty pittance of pa-
"rochial help, are his only resources."—
"By his condition may be estimated the
"real prosperity of a country; the real
"opulence, strength and security of the
"public are proportionate to the comfort
"which he enjoys, and *his wretchedness is a*
"*sure criterion of a bad administration.*"*

"The

* Arthur Young.

"The territories subject to the British "dominion in India may, on probable "grounds, be said to contain sixty millions "of inhabitants. The sum of human hap-"piness, of which the introduction of wise, "judicious and humane regulations into "that country may be productive, and the "amount of misery which may be caused by "injudicious, fluctuating, or oppressive "measures, is in the direct ratio of the po-"pulation. If there exist a servant of "the East India Company; if there exist a "Director or Legislator, or a Minister of "this country, incapable of emotion from "the generous hope of contributing to the "first, or of trembling at the danger of "participating in the latter,—we can only "lament that they should have attained "their situations."—*Edinburgh Review.*

END OF VOL. I.

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